1120

SUPREME COURT OF THE UNITED STATES.

No. 155.

MERRITT M. ROBINSON ET AL., APPELLANTS,

vs.

WILLIAM J. MINOR ET AL.

APPEAL FROM THE CIRCUIT COURT UNITED STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

INDEX.

	Original.	Print.
Bill of complaint	1	3
Subpœna	7	6
Marshal's return	8	7
Demurrers	8	7
Death of John Minor suggested	12	9
Writ of scieri facias	12	9
Marshal's return	13	10
Death of Job Routh suggested, and order to renew suit in the names of his heirs at law	14	10
Bill of revivor	14	10
Agreement of parties	17	12
Lodoiska Gayoso appointed guardian ad litem	18	12
Demurrers overruled	18	12
Bill of revivor	19	13
Joint and several answers of respondents	23	14
Exhibits (plats) referred to in respondents' answers	28	18
Maps	47	27
Replication of complainants	50	29
Interrogatories No. 1 on the part of the complainants	51	29
Commission to take testimony	53	30
Deposition of John B. Carr	54	31
Deposition of Peabody A. Morse	57	32
Interrogatories No. 2 on the part of complainants	58	33
Commission to take testimony	60	34
Deposition of Stephen W. Wikoff	61	35
Deposition of Judge George King	63	36

Gideon & Co., Printers.

	Original.	Print.
Interrogatories No. 3 on the part of complainant	67	38
Commission to take testimony	69	39
Deposition of A. Duluc	70	40
Deposition of Josephine Harris	71	40
Deposition of Bernard Marigny	73	41
Deposition of Charles Harrod	74	42
Deposition of Richard Ruf	75	43
Exhibit A, referred to in A. Duluc's deposition	76	44
Exhibit B, referred to in A. Duluc's deposition	78	44
Deposition of Christopher Miller, No. 4	78	45
Deposition of Ralph North, No. 5	82	47
Deposition of Ann Maria Rene, nee Donezaine Vieuve Reviere, No. 6	85	49
Interrogatories No. 7 on the part of complainants	87	50
Commission to take testimony	88	50
Deposition of Rev. J. N. Brogard	89	51
Exhibit A, referred to in Brogard's deposition	90	52
Deposition of Eliza M. Parrott	91	53
Exhibit A, referred to in Eliza M. Parrott's deposition	94	54
Exhibit B, referred to in Eliza M. Parrott's deposition	95	55
Exhibit C, referred to in Eliza M. Parrott's deposition	96	55
Translations	97	56
Map	101	58
Map	103	59
Agreement of counsel	104	60
Suit abated as to Austin and Archibald Williams and Elias Ogden	104	60
Decree—Appeal granted	105	60
Appeal bond	105	60
Clerk's certificate	108	62

MERRITT M. ROBINSON and others
vs.
WILLIAM J. MINOR and others. } In chancery.

Pleas before the honorable Samuel J. Gholson, district judge of the United States, at a circuit court of the United States, held at the town of Jackson, in and for the ninth circuit and southern district of Mississippi, on the first Monday of November, in the year of our Lord one thousand eight hundred and forty-seven.

Be it remembered, that heretofore, to wit, on the ninth day of May, in the year of our Lord one thousand eight hundred and thirty-two, came Fernando Gayoso de Lemos, a citizen of the State of Louisiana, complainant, by his solicitor, George Winchester, into the clerk's office of the district court of the United States of America, for the district of Mississippi, and filed his bill of complaint herein against Job Routh, Katharine Minor, John Minor, executor of Stephen Minor, and John William Minor, citizens of the State of Mississippi, defendants; which said bill of complaint is in the words and figures following, to wit:

To the honorable the judge of the district court of the United States of America, for the district of Mississippi—

Humbly complaining sheweth unto your honor, your orator, Fernando Gayoso de Lemos, a citizen of the State of Louisiana, that he is the lawful son and only heir of the late Don Manuel Gayoso de Lemos, who departed this life some time in the year .

That the said Manuel Gayoso de Lemos, on the twenty-seventh day of October, one thousand seven hundred and ninety-five, was an actual settler within the territory ceded by the State of Georgia to the United States of America, by articles of agreement and cession entered into on the fourteenth day of April, one thousand eight hundred and two, and now the State of Mississippi. That the said Don Manuel Gayoso then held a grant legally and fully executed, prior to the said twenty-seventh day of October, one thousand seven hundred and ninety-five, by the Government of Spain, for one thousand arpanes, or arpents of land, which land is situated in the county of Adams, and State of Mississippi aforesaid; and the said Don Manuel, or the said legal representatives of him, the said Gayoso, were entitled to be confirmed in said grant by said articles of agreement and cession.

And your orator would further state, that the said Don Manuel Gayoso, at his death, left his wife surviving him, Margaret Gayoso, the mother of your orator, which Margaret afterwards again intermarried with one James Still, some time in the year eighteen hundred and four or five; and the said Margaret afterwards, some time in the year eighteen hundred and twenty-nine, departed this life; and the said James Still

some time in the year eighteen hundred and nineteen, also departed this life.

And your orator would further represent to your honor, that one Stephen Minor, late of the county of Adams, and State of Mississippi, now deceased, did in his lifetime become possessed of the evidences of the aforesaid title of your orator's father to the said land; and after the death of your orator's father, and during the infancy of your orator, procured from the board of commissioners, west of Pearl river, for seven hundred and sixty arpents, a moiety of said tract of land, a certificate to be issued to him, and in his own name, dated the eighteenth day of September, eighteen hundred and five, which certificate was so unlawfully, falsely, and by imposition procured to him, the said Minor, in fraud of the rights of your orator; which said certificate, under the articles of agreement and cession between Georgia and the United States, and the acts of Congress relating to said lands, of right belonged to, and ought to have been issued to, your orator, who was then and now is, the sole legal heir of the said Don Manuel Gayoso, and as such alone entitled to said certificate and evidences of title.

And your orator would further state to your honor, that one Job Routh, then and now a citizen of Adams county, in the said State of Mississippi, in like manner also procured from the said board of commissioners a like certificate for two hundred and forty-four arpents, another moiety of the said tract, to be issued to him, the said Routh, and in his name, under and by virtue of the said evidences of the aforesaid title of your orator's father, the said Manuel Gayoso; which said certificate, under the said articles of agreement, and the acts of Congress, of right belonged to, and ought to have been issued to, your orator, who was then the sole heir of his deceased father, the said Don Manuel Gayoso.

And your orator would further state, that at the time the said Stephen Minor and Job Routh obtained the said certificates from the board of commissioners as aforesaid, your orator's father was dead, and your orator was a minor, and only of the age of seven years, and was then and has ever since been residing in the State of Louisiana.

Your orator would further represent, that some time in the year one thousand eight hundred and fifteen, or one thousand eight hundred and sixteen, the said Stephen Minor departed this life, leaving Katharine Minor, his wife, a devisee, and the trustee of all his estate, and the said Katharine Minor executrix, and one John Minor executor, of his last will and testament.

And your orator would further represent, that, on the twenty-fifth day of January, eighteen hundred and twenty-nine, the said Katharine and John, as executrix and executor of the said last will and testament, conveyed the said land to William John Minor, one of the devisees under the said will, who afterwards, on the twenty-fifth day of January, anno domini eighteen hundred and twenty-nine, re-conveyed the said land to said Katharine Minor, who is the mother of the said William John Minor.

1822.

And your orator would further represent, that long before the said conveyance from the said Katharine Minor and the said John Minor, as executrix and executor as aforesaid, to said William John Minor, and from the said William John Minor to the said Katharine, the said Katharine, and the said John, and the said William John, were fully notified of the claims of your orator to the said land as the heir of the said Don Manuel Gayoso de Lemos.

But now so it is, may it please your honor, the said Katharine and John Minor, and the said Job Routh, contriving how to injure your orator in the premises, and combining and confederating to and with others, to your orator unknown, but who, when discovered, your orator prays may be made parties defendants to this his bill of complaint, with apt words to charge, &c., and contriving how to injure your orator in the premises, the said Catharine has taken possession of one moiety of the said tract of land, so confirmed to the said Stephen as aforesaid, and refuses to let your orator into the possession. And the said Stephen in his lifetime, and the said Catharine since his death, have for a long time received the rents and profits of the said premises in their possession, and have refused and still refuse to account and pay over to your orator the same, and the said Catharine has possession of the said Spanish title paper or grant, and refuses to deliver the same to your orator, and to convey to your orator the said certificate of the Board of Commissioners, so issued to the said Minor.

And the said Routh has long been in possession and received the rents and profits of the said moiety of land, for which he obtained the aforesaid certificate, and refuses to convey, make over, and deliver to your orator the said certificate so unlawfully obtained by him, the said Routh, and to account to your orator for the rents and profits of said moiety, and to deliver to your orator possession thereof; the said defendants sometimes pretending that your orator is not the lawful heir of the said Don Manuel Gayoso de Lemos, whereas, your orator charges the truth to be, that he is the only lawful heir of the said Gayoso, and this he is ready to verify by proofs; at other times pretending to be lawfully possessed of the premises under good and valid transfers and intermediate conveyances from the said Manuel Gayoso. Whereas, your orator avers, that the said land was never transferred by his said father, Manuel Gayoso de Lemos, to any person whatever, and calls upon the said defendants to produce their evidence of a transfer from him, the said Manuel Gayoso, and if any transfer exist, to show what title, estate, or extent of interest in the land was so conveyed; and your orator further charges, that if there ever was any interest transferred by the said Manuel Gayoso de Lemos to any person, which your orator denies, and requires full proof thereof, it was only an estate in the land of his wife, the said Margaret, so long as she continued a widow, or until her death, which interest has been determined by the happening of both events.

In tender consideration whereof, and forasmuch as your orator is wholly without relief, save in this honorable court, where matters of trust, accident, mistake, account, and fraud are properly relievable:

May it please your honor, the premises considered, to grant unto your orator a writ of subpœna, directed to the said Job Routh, and to said Katharine Minor, John Minor, executor of Stephen Minor, and John William Minor, all citizens of the Sate of Mississippi, commanding them, under a certain penalty, to be and appear on a certain day before this honorable court, and true and full answers to make to all and singular the matters and things charged and stated in this your orator's bill of complaint, and that as fully and completely as if the same were here again repeated, and they particularly thereto interrogated; and that the said Katharine and the said Job Routh may be compelled, by a decree of this honorable court, to convey the said land to your orator, and deliver and make over evidences of title in their possession to the said tract of land; and that the said John Minor and Katharine, as executor and executrix of the said Stephen Minor, may be decreed to account for, and pay over to your orator, the rents and profits of the said land, so long as the same were received by, or so long as the said land remained in the possession of the said Stephen Minor in his lifetime; and that said Katharine Minor, and the said John William Minor, and the said Job Routh, be decreed each to account, respectively, for the rents and profits of said land, so long as either received the same, or remained in possession of any portion of said land; and that a habere facias possessionem be awarded to your orator to put your orator in possession of said land, and that such further and other relief be decreed your orator, as from the premises shall seem meet to your honor; and as in duty bound will ever pray.

FERNANDO GAYOSO DE LEMOS,
By his attorney, GEO. WINCHESTER.

Whereupon the following writ of subpœna issued, in the words and figures, to wit:

DISTRICT OF MISSISSIPPI, *ss:*

The United States of America, to Job Routh, Katharine Minor, John Minor, executor of Stephen Minor, deceased, and John William Minor, citizens of the State of Mississippi, greeting:

For certain causes offered before us, in our district court for the district of Mississippi, on the equity side thereof, we command and strictly enjoin you, that, laying all other matters aside, and notwithstanding any excuse, you personally be and appear before the judge of the district aforesaid, at a district court to be held at the city of Natchez, in said district, on the fourth Monday of June next, to answer a bill in equity preferred against you by Fernando Gayoso de Lemos, a citizen of the State of Louisiana, in our said court; and further to do and receive what the said court shall consider in this behalf; and this you shall in no wise omit, under the penalty of two hundred dollars.

Witness the honorable Peter Randolph, judge of the district aforesaid, the fourth Monday of January, A. D. 1832, and in the [L. S.] fifty-sixth year of the independence of the United States.

Issued 9th May, 1832.

WM. BURNS, *Clerk.*

Marshal's return.

Served personally on Job Routh, and furnished him a copy of this subpœna. Served on Katharine Minor, John Minor, executors of Stephen Minor, deceased, and John William Minor, by leaving a separate copy for each of them at their residence in the city of Natchez, May 22, 1832.

A. CAMPBELL, *Marshal.*

Demurrers.

The demurrer of John Minor, executor, and Katharine Minor, executrix, of Stephen Minor, deceased, to the bill of complaint of Fernando Gayoso de Lemos, filed against them in the district court of the United States for the State of Mississippi.

These defendants, by protestation, not confessing any of the matters in said bill alleged to be true, demur thereto, and for cause of demurrer show, that there is nothing in said bill contained which can entitle said complainants to any answer, discovery, or relief in this court against these defendants; wherefore, and for divers other causes, these defendants do, as aforesaid, demur in law thereunto, and pray the judgment of this court whether they ought to make any further answer, and to be hence dismissed, with their costs; and for further causes of demurrer assign the following:

1st. This court has no jurisdiction in this case.

2d. That the remedy of said complainant, if any he has, is at law, and not in chancery.

3d. That these defendants are improperly made parties to said bill.

4th. That these defendants are improperly joined with other defendants to this bill.

5th. That various other persons, admitted in said bill to be in possession of the land therein specified, ought to be made defendants to said bill, their right being materially affected thereby.

6th. That the remedy, if any ever existed, is barred by the several statutes of limitation, and by prescription, and also by the lapse of time.

7th. That said bill does not set forth such a title as would be sustainable in a court of law or equity.

8th. That said bill does not set forth the period of the death of the pretended father of the complainant.

9th. That said bill does not set forth the periods of the death of said complainant's pretended father, or of the birth of the complainant, or of the alleged marriage of the complainant's father and mother.

10th. Other causes of demurrer to be assigned on the hearing.

WALKER & POTTS,
For defendants.

The demurrer of Job Routh to the bill of complaint of Fernando Gayoso de Lemos, filed in the district court of the U. States for the State of Mississippi.

This defendant, by protestation, not confessing any of the matters in said bill alleged to be true, demurs thereto, and for cause of demurrer shows that there is nothing in said bill contained which entitles the complainant to any answer or discovery, or to any relief in this court against this defendant; wherefore, and for divers causes of demurrer, this defendant does, as aforesaid, demur in law thereto, and prays the judgment of this court whether he ought to make any further answer, and to be hence dismissed with his costs; and for further causes of demurrer assigns the following:

1st. This court has no jurisdiction in this case.

2d. That the remedy of said complainant, if any he has, is at law, and not in chancery.

3d. That this defendant is improperly made a party to said bill.

4th. That this defendant is improperly joined with other defendants to this bill.

5th. That various other persons admitted in said bill to be in possession of the land therein specified, ought to be made defendants to said bill, their rights being materially affected thereby.

6th. That the remedy, if any, is barred by the several statutes of limitation, and by prescription, and also by the lapse of time.

7th. The said bill does not set forth such title as would be sustained in a court of law or equity.

8th. That said bill does not set forth the period of the death of the pretended father, or of the birth of said complainant, or of the alleged marriage of the complainant's father and mother.

10th. And other causes of demurrer to be assigned on the final hearing.

WALKER & POTTS,
For defendants.

The demurrer of William John Minor to the bill of complaint of Fernando Gayoso de Lemos, filed in the district court of the U. States for the State of Mississippi.

This defendant, by protestation, not confessing any of the matters in said bill alleged to be true, demurs thereto, and for cause of demurrer shows that there is nothing in said bill contained which entitles the complainant to any answer or discovery, or to any relief in this court, against this defendant; wherefore, and for divers other causes of demurrer, this defendant does, as aforesaid, demur in law thereto, and prays the judgment of this court whether he ought to make any further answer, and to be hence dismissed with his costs; and for further causes of demurrer assigns the following:

1st. This court has no jurisdiction in this case.

2. That the remedy of said complainant, if any he has, is at law, and not in chancery.

3. That this defendant is improperly made a party to this bill.

4. That this defendant is improperly joined with other defendants to this bill.

5. That various other persons, admitted in said bill to be in possession of the land therein specified, ought to be made defendants to said bill, their rights being materially affected thereby.

6. That the remedy, if any, is barred by the several statutes of limitation, and by prescription, and also by the lapse of time.

7. That said bill does not set forth such a title as would be sustainable in a court of law or equity.

8. That said bill does not set forth the period of the death of the pretended father of the complainant.

9. That said bill does not set forth the periods of the death of the said complainant's pretended father, or of the birth of the complainant, or of the alleged marriage of the complainant's father and mother.

10. And other causes of demurrer to be assigned on the final hearing.

WALKER & POTTS, *for defts.*

And afterwards, to wit, at the June term of said court, in the year of our Lord one thousand eight hundred and thirty-three, to wit, on the 25th day of June, A. D. 1833, the defendants by their counsel moved the court for security for costs in this case.

And afterwards, to wit, at the same term, to wit, on the 26th day of June, A. D. 1833, it is ordered by the court, that said motion be sustained, and that security for costs be filed on or before the first day of next term.

And afterwards, to wit, at the same term of said court, to wit, on the 30th day of November, 1833, Sturges Sprague, by writing, became security for costs in this case.

And afterwards, to wit, at the January term of said court, to wit, on the eighteenth day of March, A. D. 1834, came Katharine Minor, Job Routh, and William J. Minor, defendants, by their counsel, and suggest the death of John Minor, their co-defendant.

And afterwards, at the term last aforesaid, to wit, on the first day of April, A. D. 1834, the following order was made and entered on the minutes of said court, to wit, it is ordered that the arguments on demurrer to the bill be had in vacation, if the judge so direct, upon reasonable notice being given to counsel upon both sides.

And afterwards, to wit, on the 9th day of May, A. D. 1834, the following writ of scieri facias issued out of the clerk's office of the court aforesaid, in the words and figures following, to wit:

UNITED STATES OF AMERICA,
District of Mississippi, ss:

The United States of America, to the marshal of the Mississippi district, greeting:

Whereas Fernando Gayoso de Lemos, lately in our district court for the district of Mississippi, on the equity side of said court, filed his bill

of complaint against John Minor, Katharine Minor, Job Routh, and William J. Minor, to be released touching the matter in said bill set forth; and the said John Minor, one of the defendants in said bill of complaint, before a final decree therein, having died, and the court being informed that William J. Minor is the administrator cum testamento annexo of the said John Minor, dec'd, the said Fernando Gayoso de Lemos has besought the court to grant him a proper remedy in this behalf, and the court being willing that what is right should be done in the premises:

You are, therefore, hereby commanded to make known to the said William J. Minor, administrator as aforesaid, that he be and appear before the judge of the district court aforesaid, at a district court to be held at the city of Natchez, on the fourth Monday of June next, to show cause, if any he can, why a decree in the suit aforesaid should not be awarded for the said Fernando Gayoso de Lemos against the said William J. Minor, administrator as aforesaid, and the said defendants in said bill of complaint; and further to do and receive what the said court shall then and there consider in this behalf, and have you then and there this writ.

Witness the honorable Powhatan Ellis, judge of the district aforesaid, at the city of Natchez, the fourth Monday of January, A. [L. S.] D. 1834, and in the 58th year of the independence of the United States.

Issued 9th May, 1834. WM. BURNS, *Clerk*.

Acknowledged service. W. J. MINOR.

Made known as per acknowledgment; endorsed 12th May, 1834.
W. M. GWIN, *Marshal*.

And afterwards, to wit, at the May term, in the year of our Lord one thousand eight hundred and thirty-seven, of the circuit court of the United States for the district of Mississippi, to wit, on the 8th day of May, A. D. 1837, the death of Job Routh, one of the defendants in this cause, was suggested, and it is ordered by the court that this suit be revived in the names of his heirs at law.

And afterwards, to wit, on the 8th day of June, A. D. 1842, the following bill of revivor was filed in this case, in the words and figures, to wit:

To the honorable John McKinley, judge of the circuit court of the United States of America for the southern district of Mississippi:

Humbly complaining, sheweth unto your honor, your orators and oratrixes, Margurite Gayoso, Aurore Gayoso, Fernando Gayoso, Felicite Gayoso, infants under the age of twenty-one, by Lodoiska Gayoso, their mother and next friend.

That Fernando Gayoso de Lemos, the father of your orators and oratrixes, late of the State of Louisiana, but now deceased, in his lifetime, on or about exhibited his original bill of complaint in this honorable court, on the equity side thereof, against

Katharine Minor and John Minor, executrix and executor of Stephen Minor, deceased, and John William Minor and Job Routh, defendants thereto, thereby stating such several matters and things as are therein for that purpose more particularly mentioned and set forth, and praying that the said Katharine Minor and the said Job Routh might be compelled to make a conveyance of the land mentioned in said bill of complaint to the said complainant, and to surrender to him the evidences of title in their possession; that the said John Minor and Katharine Minor, as executrix and executor of Stephen Minor, deceased, be directed to account to said Fernando for the rents and profits of said land while it remained in the possession of Stephen Minor in his lifetime; and that said John William and Katharine Minor and Job Routh be decreed to severally account for the rents of said land so long as either received the same, or remained in possession of any portion of said land, and that a habere facias possessionem be awarded complainant, and for general relief.

And your orators and oratrixes would further shew, that process of subpœna was duly served upon said defendants, and said defendants appeared, and filed their demurrers to said bill of complaint.

And your orators and oratrixes would further shew, that after the said demurrer was filed, and before the same was argued and heard, the said John Minor, executor as aforesaid, departed this life, when, by order of the court, the suit was revived against his legal representative, William John Minor. Your orators and oratrixes further shew, that afterwards, on or about the said Job Routh departed this life, and the said suit, by his death, became abated as to him. And your orators and oratrixes further shew, that, on or about the the complainant, Fernando Gayoso de Lemos, departed this life intestate, in the State of Louisiana, leaving your orators and oratrixes his only children and heirs at law, who are all now residents as citizens in the State of Louisiana.

And your orators and oratrixes further shew, that the said suit and proceedings having become abated by the death of the said Fernando, your orators and oratrixes are, as they are advised, as the heirs of the said Fernando, entitled to have the said suit and proceedings revived against the said defendants, Katharine Minor and William John Minor, and against the representatives and heirs of the said Job Routh, who are John Routh, Stephen Routh, Francis Routh, Caroline Williams; and her husband Austen Williams, Archibald Williams, ——— Williams, wife of Archibald Williams, Virginia, wife of J. Yellet Hollingsworth, and said J. Yellett, children of said Routh, Samuel Walker and Martha Walker, children of Sally Walker, deceased, and grandchildren of Job Routh, Elias Ogden and Ann M. Ogden, his wife, and daughter of said Job Routh, Charles G. Dalghreen and his wife Mary, daughter of said Job Routh, and Elias Ogden, her husband.

To the end, therefore, that the said suit and proceedings therein may stand revived against the said Katharine and John William Minor, and against the heirs and legal representatives of the said Job Routh, deceased:

May it please your honor to direct the United States' subpœna to revive to be directed to the said Katharine and said John William Minor, and to the said John Routh, Stephen Routh, Elias Ogden and his wife Ann M. Ogden, Austen Williams and his wife Caroline Williams, and Archibald Williams and his wife ——— Williams, and the said Samuel Walker, J. Yellet Hollingsworth and his wife Virginia, Mary Walker, Martha Walker, and said Charles G. Dahlgreen and wife, thereby commanding them, at a certain day and under a certain penalty, to be therein limited, to be and appear before your honor in this honorable court, and then and there to shew cause, if they can, why the said suit and proceedings therein had should not stand and be revived against them, and be in the same plight and condition as the same were at the time of the abatement thereof; and further to stand and abide such order and decree in the premises as to your honor shall seem meet; and your orators shall ever pray.

MARGURITE GAYOSO,
AURORE GAYOSO,
FERNANDO GAYOSO,
FELICITE GAYOSO,
By their next friend LODOISKA GAYOSO,
By GEO. WINCHESTER,
Their attorney.

And afterwards, to wit, at the November term, A. D. 1843, of the court first aforesaid, to wit, on the 21st day of November, in the year of our Lord one thousand eight hundred and forty-three, the following agreement was entered upon the minutes of said court, to wit:

It is agreed that the suit in this case shall be entered revived in the name of the complainants to the bill of revivor, the same as if subpœnas to revive had been regularly served.

This agreement not to preclude defendants hereafter, by plea or answers, contesting the heirship of complainants in the bill of revivor, if they think proper to do so; and Quitman and McMurran agree to enter the appearance of defendants to the bill of revivor, and the demurrers now on file to stand and be relied on by them, and to be as set down for argument.

(Signed) QUITMAN & McMURRAN,
GEO. WINCHESTER.

November 21, 1843.

And thereupon it was ordered by the court, that Lodoiska Gayoso be appointed guardian ad litem of Margurite Gayoso, Aurore Gayoso, Fernando Gayoso, Felicite Gayoso—infant complainants in the bill of revivor in the above stated suit.

And afterwards, to wit, at the May term, in the year of our Lord one thousand eight hundred and forty-four, to wit, on the eighteenth day of May, in the year of our Lord one thousand *eighteen* hundred and forty-four, came the complainants and defendants herein, in whose name this suit has been revived, by their solicitors aforesaid; and thereupon

the demurrers of the defendants to the bill of complaint filed herein being fully argued and heard, and mature deliberation being had thereupon, it is ordered by the court that the same be overruled.

And afterwards, to wit, on the seventh day of November, A. D. 1844, the following bill of revivor was filed in this case, in the words and figures following, to wit:

To the honorable judges of the circuit court of the United States of America for the southern district of Mississippi.

Humbly complaining sheweth unto your honor, your orators M. M. Robinson and Margaret, his wife, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso, that on or about the Fernando Gayoso de Lemos exhibited his bill of complaint in this honorable court against Job Routh, and Katharine Minor, and John Minor, executrix and executor of Stephen Minor deceased, and William John Minor, thereby stating such several matters and things as are therein for that purpose more particularly mentioned and set forth, and praying that the said Katharine Minor and Job Routh might be decreed by this honorable court to convey the tract of land, in said original bill described, to the said Fernando Gayoso de Lemos, and deliver and make over to him all evidences of title in their possession to the said tract of land; and that the said John Minor and Katharine Minor, executor and executrix of said Stephen Minor, be decreed to account for and pay over to said Fernando Gayoso the rents and profits of said land so long as the same were received by, or so long as the said land remained in the possession of, the said Stephen Minor in his lifetime; and that the said Katharine Minor and William John Minor, and the said Job Routh, be decreed each to account respectively for the rents and profits of said land so long as either received the same, or remained in possession of any portion of said land; and that a habere facias possessionem be awarded to the said Fernando Gayoso to put him in possession of said land, and for such further and other relief as from the premises shall seem meet.

And your orators would further show, that the said several defendants being duly served with process of subpoena, severally appeared and filed their demurrer to said original bill of complaint.

And your orators would further show, that the said John Minor, on the day of A. D. 183 , departed this life, and the cause was revived against William John Minor.

And your orators would further show, that the said Job Routh, on the day of A. D. 183 , departed this life; and also that the said Fernando Gayoso de Lemos, on the day of A. D. 183 , departed this life, and the cause was legally revived in the name of your orators against the said Katharine Minor, and William John Minor, and John Routh, Stephen Routh, Francis Routh, Caroline Williams and Austin Williams, husband of said Caroine, ——— Williams and Archibald Williams, her husband, Ann M. Ogden, Mary M. Dahlgreen and her husband Charles G.

Dahlgreen, children and heirs of said Job Routh, Virginia H. Hollingsworth and her husband J. Yellet Hollingsworth, Samuel Walker and Martha Walker, children and heirs of Sally Walker, formerly Sally Routh, and grandchildren of said Job Routh; and your orators would further shew, that [at] the last mentioned revival said demurrer was at the May term, A. D. 1844, of this honorable court, submitted to the court by the complainants and defendants, and the same was overruled.

And your orators would further shew, that since the last May term, A. D. 1844, of this honorable court, the said Katharine Minor, on the day of A. D. 1844, departed this life, and by her last will and testament decreed her real estate to her executors, James C. Wilkins, Henry Choutard and William John Minor, in trust, to the use of the said William J. Minor, Francis Choutard, and Katharine Wilkins, and that said executors and devisees are in possession of said tract of land, or a portion thereof, in said original bill described, claiming the same, as your orators are advised, by virtue of said last will and testament of said Katharine Minor.

And your orators are advised that they are entitled to have the suit revived against the said James C. Wilkins, Henry Choutard, and William John Minor, executors of the said last will and testament of the said Katharine Minor, deceased, and also against the said Francis Choutard, Katharine Wilkins, and William J. Minor, who are devisees under said will, in the same plight and condition as it was at the time of the abatement thereof by the death of Katharine Minor. And that the said executors and devisees ought to answer said original bill of complaint, and also whether they were not in possession of said tract of land, or part thereof, as devisees of the said Katharine Minor, deceased.

May it please your honor to grant unto your orators a writ of subpœna, to revive and answer, issuing out of and under the seal of this honorable court, to be directed to the said James C. Wilkins, Henry Choutard, William John Minor, Francis Choutard, and Katharine Wilkins, thereby commanding them, at a certain day therein limited, personally to be and appear before this honorable court, and then and there to answer the premises, and to show cause, if they can, why the said suit and proceedings therein had should not stand and be revived against them, and be in the same plight and condition as the same were at the time of the abatement thereof; and further to stand to and abide such order and decree in the premises as to your honors shall seem meet; and your orators shall ever pray, &c.

GEORGE WINCHESTER,
Solicitor for complainant.

And afterwards, to wit, on the 5th day of November, in the year of our Lord one thousand eight hundred and forty-five, the following answers were filed in this case, to wit:

The joint and several answers of William J. Minor, Henry Choutard, and James C. Wilkins, executors of the last will and testament of

Katharine Minor, deceased, and of Francis Choutard and Katharine L. Wilkins, devisees, together with the said William J. Minor, of all the real estate of said Katharine Minor, deceased, to a bill of complaint filed in said court against said defendants and others, by Fernando Gayoso, revived in the name of certain persons claiming to be his representatives.

These respondents, saving and reserving to themselves the benefit of all exceptions which can or may be taken to the manifold errors and imperfections and uncertainties in the said bill of complaint contained, for answer to so much thereof as these defendants are advised it is material for them to answer, answering saith:

That the defendant, Katharine Minor, named in the said bill of complaint, departed this life in the year 1844, leaving a last will and testament, which has been duly probated in the probate court of Adams county, in the State of Mississippi, a certified copy whereof is hereunto annexed, marked Exhibit (No. 1,) and prayed to be taken as a part of this answer. By said last will and testament the respondents, William J. Minor, and Henry Chotard, and James C. Wilkins, are appointed executors of said will, and all the real estate is devised equally to her children, the respondents, William J. Minor, Francis Chotard, and Katharine L. Wilkins.

That respondents, William J. Minor, Henry Chotard, and James C. Wilkins, have come into possession as executors aforesaid of a certain tract of land lying in the county of Adams, near the city of Natchez, supposed to contain seven hundred and fifty-six arpens, and long known as the Concord plantation. For the shape and form of said tract of land respondents refer to a plat of the same accompanying a certified copy of the notice filed by Stephen Minor before the honorable Thomas Rodney, Robert Williams, and Edward Turner, United States commissioners, on the 26th March, 1805, said copy being duly certified by Thomas W. Newman, register of the land office at Washington, Mississippi, and hereunto annexed, marked Exhibit (No. 2,) and prayed to be taken as part of this answer. Respondents knowing of no other lands which can possibly be claimed by complainants, and not admitting any shadow of title in law or in equity to this tract in complainants, proceed to set forth the title of respondents to said tract of land.

On the tenth day of September, in the year seventeen hundred and ninety-four, one thousand arpens of land, containing the above tract, were granted by Spanish grant to Don Manuel Gayoso de Lemos, as appears by the original grant hereunto annexed, marked Exhibit No. 3, and which is prayed to be made a part of this answer.

On the 12th day of February, 1795, the said grant was, by endorsement on the back of the same, to which respondents refer, duly transferred and assigned to Mrs. Margaret Watts, by the said granter, Manuel Gayoso de Lemos.

On the 10th day of August, 1799, the said Margaret Watts, signing herself Margaret Ceretta Watts Gayoso, and describing herself in the deed as the widow of the said Don Manuel Gayoso, by deed of that

date conveyed the said tract of land for the sum of five thousand dollars to Daniel Clark, junior; said deed respondents refer to, herewith annexed, marked Exhibit No. 4, and prayed to be taken as part of this answer.

On the 15th day of August, 1800, the said Daniel Clark, by deed of that date, for the sum of ten thousand dollars, conveyed the same to William Lintot; said deed respondents refer to, hereunto filed, marked Exhibit No. 5, and pray to be taken as part of this answer.

On the 15th day of September, in the year 1800, the said William Lintot conveyed the same to Stephen Minor for the sum of ten thousand dollars, receipt for which is endorsed on the said deed. Respondents refer to the deed herewith annexed, marked Exhibit No. 6, and pray that the same may be taken as part of this answer.

On the 18th day of September, in the year 1805, the board of commissioners, west of Pearl river, established by a law of Congress regulating the grants of the lands of the United States south of the State of Tennessee, after the notice filed with them, herein referred to as Exhibit No. 2, and having before them the foregoing grant and several conveyances, as appears by a transcript from the record of said board, duly certified by Thomas W. Newman, register of the land office at Washington, and keeper of the said records, to which transcript respondents refer, marked (Exhibit No. 7,) and pray that the same may be taken as part of this answer, issued to said Stephen Minor a certificate of confirmation of title in him to seven hundred and fifty-six arpens of said tract of land; the original certificate being lost, respondents hereto annex a certified copy of said certificate, certified by said Thomas W. Newman, register of the land office at Washington, marked (Exhibit No. 8,) and pray that the same may be taken as part of this answer.

On the 25th day of January, 1829, Katharine Minor and John Minor, executrix and executor of said Stephen Minor, conveyed the said land, so confirmed, with other lands, to William J. Minor. Respondents refer to the deed Exhibit No. 9.

On the sixth day of April, 1829, the said William J. Minor conveyed the same to Katharine Minor. Respondents refer to the deed herewith annexed, marked Exhibit No. 10, and pray that the same be taken as part of this answer.

Respondents referring to said exhibits, state that the said Stephen Minor was a bona fide purchaser of said tract of land at the large price of ten thousand dollars; that the evidences of title were produced before the board of commissioners, and the certificate of confirmation thereupon lawfully issued to him. And respondents altogether deny that said certificate was issued to said Stephen Minor unlawfully, falsely, or by any imposition, or in fraud of the rights of complainants, or of any of them. And respondents deny that said certificate ought to have issued to the said complainants, or to any of them, [or] that they are entitled to the evidences of title to said land.

Respondents further answering, do not admit that complainant, Fernando Gayoso, was the lawful son and only heir of said Manuel Gayoso

de Lemos, but require that said allegation be established by full proof. Respondents deny that said Manuel was an actual settler within the meaning of the act of Congress on the 27th October, 1795, but state that said Gayoso was then an officer of the Spanish government, and his alienee of said land was at date in actual possession of it.

Respondents knowing nothing of the fact of the marriage of the said Manuel with the said Margaret Watts, require proof of that fact. Respondents know nothing of the date of the death of said Margaret, and what children she left, but require complainant to support the allegations of his bill relating to these matters by strict proof.

Respondents further answering say, that they, and those through whom they claim, have been in actual possession of the said tract of land (the 756 arpens confirmed to said Stephen Minor) since the 10th day of August, in the year 1799, and complainants failed to file this their bill of complaint within twenty years next after their right, if any there be, in said lands accrued; and respondents claim the benefit of such failure as fully as if the same were specially pleaded in bar.

Respondents are ignorant of the date of the death of said Manuel, and of the age of said Fernando at the said date, and require complainants to support their allegations relating to these matters by strict proof. Respondents do not admit any notice of complainants' claim prior in time to the commencement of this suit, but require the same to be proved, altogether denying personal notice to these respondents individually.

And respondents having answered, pray to be hence dismissed, with their costs, &c.

HENRY CHOTARD,
JAMES C. WILKINS,
W. J. MINOR,
FRANCIS M. CHOTARD,
C. L. WILKINS.

EUSTES and CHAPLAIN.

STATE OF MISSISSIPPI,
Adams county.

Personally before the undersigned, Charles a Lacoste, a commissioner of affidavits, &c., in and for the southern district of Mississippi, appointed at the May term, 1842, of the honorable circuit court for the said district, came and appeared William J. Minor, one of the within named defendants, whose name is signed to the within and foregoing answer, and being duly by me sworn, upon his oath did say, that the matters and things contained and set forth in said answer are just and true, both in substance and in fact.

Given under my hand and seal at Natchez, this 7th day of October, A. D. 1845.

CHARLES A. LACOSTE, [L. S.]
Commissioner.

☞ (Exhibit No. 1 has not been filed.)

(*Exhibit No.* 2.)

[For plat see original, page 28.]

MISSISSIPPI TERRITORY.

Stephen Minor, a citizen of Mississippi territory, claims one thousand arpens of land, lying on or near the river Mississippi, and having such shape and boundaries as are described in the above plat.

The above claim is founded on a Spanish grant, bearing date the 10th of September, 1794, to Manuel Gayoso de Lemos, who assigned and transferred the same to one Margaret Watts, afterwards Margaret Watts Gayoso, on the 12th day of February, in the year 1795. The said Margaret Watts Gayoso conveyed the said 1,000 arpanes by deed dated the 10th of August, 1799, to Daniel Clark, who conveyed the same on the 15th August, 1800, to William Lintot, who conveyed to the present claimant Stephen Minor, on the 15th of September, 1800.

The honorable Thomas Rodney, Robert Williams, and Edward Turner, commissioners.

(Signed) STEPHEN MINOR.

March 20th, 1804.

Endorsed as follows, (viz.) No. 1220, Stephen Minor, presented March 26th, 1804.

E. TURNER, *Register.*

Witness William Borland, 10th September, 1804, certificate (A,) 610; issued to claimant for 756 arpens, September 18, 1805.

See Nos. 1274 and 1304, inv'd in Mrs. Gayoso, entered certificate A, No. 586, for 2 arpanes, to Tyler's heirs.

Certificate A, No. 569, for 242 arpanes, to Routh, issued this day, being part of the land claimed within. September 5, 1805.

I, Thomas W. Newman, register of the land office at Washington, Mississippi, do hereby certify, that the within plat and notice, and the above endorsements, are truly copied from the files in said office.

Given under my hand and private seal, having no official seal, the 5th day of May, 1845.

THOMAS W. NEWMAN, [SEAL.]
Register of Land Office.

Exhibit No. 3.

LOUISIANA, 1794, *Districto de Natchez.*

[For plat see original, page 30.]

Don Carlos Trudeau, agrimensor gral. y particular de la provincia de la Luisiana.

Certifico que ha sido medido y tendado a favor y con presencia de su Sena. al Sen. Don Manuel Gayoso de Lemos, un terreno de mil arpanes quadrados de superficie, medidos con sa percha de la ciudad de Paris de dies y ocho pies de trey de largo segun el uso y custumbre denta colonia; cuyo terreno situado en el districto de Natchez, a como media legue el nordeste de fuerte, lindando a el angulo del nordeste de la ciudad nueva, conforme a las lineas del arc angulo la primera despurta a sud 60° este de quarenta percha, y la segunda al sud 30° œste de sesenta y tres perchas de largo y dexando la ciudad con la terra del nombrado General Barlain. Segun las lineas sud 42° 30′ E., de quarenta perchas, y sud quarenta y siete grados 30 minutes œste de ochenta y una percha; al sud, con tierras de los nombrados Job Routh y Ebenezer Dayton; a el este, con tierras de J. Swazey, Jos. Duncan, y Samuel Gibson; al norte, G. Hutchins y Esteven Jordan, y con tierras vacans y del dominio de Su M.; todas aquellas lineas de limites despuertas N. y S. con E. y Œ de la Buffola, sin atender a la variacion; en aquello limites peron despuertas pare tendes los astotes y mismas segurados en el plano y para que couste doy la presente escrit'a, con el plano figurativo que acompaña en consequencia del decreto del Sen. Ger. Gral, etc., confecha del dia ocho del mes de Julio del corrente ano, y contrame a las diligencias del dia sies del mes de Agosto ultimo. Passado, Septembre tres de mil setecientos novento y quatro anos.

CARLOS TRUDEAU, *Agrimensor.*

Don Francisco Luis Hector, Baron de Carondolet, caballero de la religion de Sn. Juan, brigadier de los reales ex'tos, gobernador militar y politico de las provincias de la Louisiana y Florida occidental, vice patrono de ellas e inspector de sus tropas, etc.

Vistas las antecedentas diligencias practicadas por el agrimensor de esta provincia, Don Carlos Trudeau, sobre la posesion que ha dado el Sor. Don Manuel Gayoso de Lemos, de la ciudad de mil arpanes quadrados de superficie, situados en el districto de Natchez, a como media legua el nordeste del fuerte, lindado a el angulo del nordeste de ciudad nueva la conforme a las lineas del arc *leguo* angulo la prim'a dispuesta al sud 60° este, de quarenta perchas, y la segundo al sud 30° œste de sesenta y tres perchas de largo, y dexando la ciudad con la tierra del nombrado Guillermo Barland, segun las lineas sud 42° 30″ E., de quarenta perchas, y sud 47° 30′ œste de ochenta y una perchas al *al* sud, con tierras de los nombrados, Job Routh y Ebenezer Dayton, al este con las de T. Swazey, Jos. Duncan, y Samuel Gibson, al norte con las Pedro Hutchins y Esteven Jordan, y con tierras vacantes como lo demuestra prolixamente el plano figurativo que antecedo y reconociendo estan regladas al orden de agrimensura, y a las concesiones de los antedichos circunvecinos sin que a estos se les cause perjuicio alguno ni que lo hayar reclamado, y si bien consentido, segun justificia su asis-

tencia a otras operaciones, aprobandentas como lo aprobamos. Usando de la facultad que el rey nos tiene concedidas, otorgamos en su real nombre sus *odtro*, Senor Don Manuel Gayoso de Lemos, los expresados mil arpanes de tierra de superficie, para que como suyos propias disponga de ellas que los usufrute, reglandoze a las mencionadas diligencias, y observando las *conasceasciances* prevenidas por el reglament. del asunt.. Dado el presente, firmado de mi mano, sello lo con el sello de mis armas, y refrendado por el infrascrito secretario por S. M., de este Gobierno, en la Nueva Orleans, a diez de Septembre de mil setecientos noventa y quatro.

EL BARON DE CARONDOLET.

Exam'do de su s'ria.

ANDREW LOPES ARMESTO, *Register*.

Natchez, dia doce de Febrero, de mil setecientos noventa *noventa* y cinco, esta concesion se halla traspasada a Sa. Da. Marguerita Watts, por escritura otorgada este dia de la fecha.

MANUEL GAYOSO DE LEMOS.

LAND OFFICE, WEST OF PEARL RIVER.

This plat, certificate, and letters patent are recorded in the register's book (B) of written evidences of claims, fol. 634, &c. Examined and corrected by

JOS. GIRAULT, *Translator*.

Exhibit No. 4.

Know all men by these presents, that I, Margaret Watts Gayoso, widow of his excellency the late Emanuel Gayoso de Lemos, governor of Louisiana, &c., &c., for and in consideration of the sum of five thousand dollars, to me in hand paid by Daniel Clark, jr., esq., the receipt whereof is hereby acknowledged, have, and by these presents do, grant, bargain, sell, assign, transfer, and set over, unto the said Daniel Clark, jr., a certain plantation or tract of land, known by the name of Concordia, situated, lying, and being in the Mississippi territory, in the United States of America, about half a league northeast of the fort of Natchez, containing one thousand acres, or arpanes, be the same more or less, as is fully expressed in the grant and plan of said land, No. 632, accompanying this bill of sale; together with the messuage, dwelling-house, or tenement thereon being or constructed, with all out-houses, barns, stables, buildings, and all other rights, privileges, and conveniences thereunto in any wise appertaining or belonging; to have and to hold the said bargained premises unto the said Daniel Clark, jr., esq., his heirs, executors, administrators, and assigns, to his and their only proper use and behoof forever. And I, the said Margaret Watts Gayoso, my executors and administrators, the said bargained premises, unto the said Daniel Clark, jr., his heirs, executors, and administrators, and assigns, from and against all persons, shall and will warrant and forever defend by these presents.

In testimony whereof I have hereunto set my hand and seal, at the city of New Orleans, this tenth day of August, in the year of our Lord one thousand seven hundred and ninety-nine.

MARGARET CERILLA WATTS GAYOSO.

Signed, sealed, and delivered in presence of—

THOS. SR. HARMON,

WM. PORTER.

AMERICAN CONSULATE.

LOUISIANA, *New Orleans:*

Be it known to all men by these presents, that on the tenth day of August, anno domini 1799, before me, William E. Hulings, vice consul of the United States of America at the port of New Orleans and its dependencies, personally came and appeared Mrs. Margaret Watts Gayoso, the vender named in the preceding bill of sale, and declared and acknowledged the said bill of sale as her act and deed, by her signed, sealed, and delivered for the uses and purposes therein named.

In testimony whereof, I, the said vice consul, have hereunto subscribed my name and affixed the seal of my office the day and year aforesaid. [L. S.]

WM. E. HULINGS.

The written conveyance and consul's certificate admitted on record March 26th, 1804, in the register's office west of Pearl river, in book (B,) page 636, &c., of written evidences of claims.

Examined and compared with said record by

E. TURNER, *Register.*

Exhibit No. 5.

This indenture, made this 15th day of August, in the year 1800, between Daniel Clark, of the Mississippi territory, of the one part, and William Lintot, of the territory aforesaid, witnesseth: That whereas, on the 10th day of September, in the year 1794, there was granted by the Baron de Carondelet, governor of Louisiana, unto Don Manuel Gayoso de Lemos, a tract or parcel of land, called Concord, containing, by estimation, one thousand acres, with the appurtenances, situated in the district aforesaid, as per plot and grant accompanying this will more fully appear. And whereas, by an instrument of writing which also accompanies this, dated the 12th day of February, in the year 1795, the said Don Manuel Gayoso de Lemos did, for certain considerations therein recited, convey the said land, with all the appurtenances, to Margaret Watts; and whereas the said Margaret Watts, now the widow of the said Don Manuel Gayoso de Lemos, by her deed dated the 10th day of August, 1799, which also accompanies this, did convey the said land with the appurtenances to Daniel Clark, then junior, for the valuable consideration of five thousand dollars:

Now, the said Daniel, in virtue of the foregoing authorities, and in consideration of the sum of ten thousand dollars, now in hand to him paid, the said Daniel by the said William Lintot, the receipt whereof is hereby fully acknowledged, hath granted, bargained, and sold,

released, enfeoffed, and confirmed, and by these presents doth grant, bargain, and sell, release, enfeof, and confirm, unto the said William Lintot all the before mentioned premises, together with all messuages, improvements, rights, or privileges in any wise appertaining to the same; to have and to hold the same, with the appurtenances, unto the said William Lintot, his heirs and assigns, forever, in full and complete fee simple; and the said Daniel, for himself, his heirs, executors, and administrators, covenants, to and with the said William and his assigns, that he will well and truly warrant and defend the same unto the said William, his heirs and assigns, forever, against all persons claiming by, from, or under him, the said Daniel.

In witness whereof the said Daniel Clark hath hereunto set his hand and affixed his seal the day, month, and year above written.

DANIEL CLARK. [L. S.]

Witnesses present:
JOHN MINOR,
JOS. CAMPBELL.

The day, month, and year above written, I acknowledge to have received the sum of ten thousand dollars, in full of the above consideration.

DANIEL CLARK.

Witness:
JOHN MINOR.

MISSISSIPPI TERRITORY, *Adams county*.

Before me, the undersigned, one of the justices of the court of common pleas for said county, came Daniel Clark, whose name is written within, and seal annexed, and acknowledged the within indenture to be by him signed, sealed, and delivered as his free act and deed for the purposes therein mentioned.

Given under my hand and seal this 15th day of August, A. D. 1800.

H. M. KENNER.

Entered on record at Natchez, this 23d day of August, 1800, in Lib. B, fol. 67 and 68.

JOHN HENDERSON,
Recorder.

The within indenture, receipt, probate, and certificate, admitted on record March 26, 1804, in the register's office, west of Pearl river, in book (B,) page 637, &c., of written evidences of claims.

Examined and compared with said record by

E. TURNER,
Register.

(*Exhibit No.* 6.)

This indenture, made this fifteenth day of November, in the year of our Lord one thousand eight hundred, between William Lintot, of the county of Adams and Mississippi territory, of the one part, and

Stephen Minor, of the county and territory aforesaid, of the other part, witnesseth: That whereas, on the tenth day of September, in the year 1794, there was granted by the Baron de Carondelet, governor of Louisiana, unto Don Manuel Gayoso de Lemos, a tract or parcel of land, called Concord, containing, by estimation, one thousand acres, with the appurtenances, situate, lying, and being in the county and territory aforesaid, then the district of Natchez, as per plots and grant accompanying this will more fully appear.

And whereas, by an instrument of writing, which also accompanies this, dated 12th day of February, in the year 1795, the said Don Manuel Gayoso de Lemos did, for certain considerations therein recited, convey the said land, with all the appurtenances, to Margaret Watts; and whereas the said Margaret Watts, now the widow of the said Don Manuel Gayoso de Lemos, by her deed dated the 10th August, 1799, which also accompanies this, did convey the said land with the appurtenances to Daniel Clark, (then junior,) for the valuable consideration of five thousand dollars; and whereas, also, the said Daniel Clark, by deed bearing date the 15th day of August, 1800, which also accompanies this deed, did convey the said tract of land with the appurtenances to the said William Lintot, for the valuable consideration of ten thousand dollars. Now, the said William, in virtue of the foregoing authorities, and in consideration of the sum of ten thousand dollars, now in hand paid to him, the said William, by the said Stephen Minor, the receipt whereof is hereby fully acknowledged, hath granted, bargained, and sold, released, enfeoffed, and confirmed, and by these presents doth grant, bargain, sell, release, enfeof, and confirm, unto the said Stephen Minor, all the before mentioned premises, together with all messuages, improvements, rights or privileges in any wise appertaining to the same; to have and to hold the same, with the appurtenances, unto the said Stephen Minor, his heirs and assigns, forever, in full and complete fee simple; and the said William, for himself, his heirs, executors, and administrators, covenants, to and with the said Stephen and his assigns, that he will well and truly warrant and defend the same, unto the said Stephen, his heirs and assigns, forever, against all persons claiming by, from, or under him, the said William, by these presents.

In witness whereof the said William Lintot hath hereunto set his hand and affixed his seal, the day, month, and year first above written.

WM. LINTOT.

Witnesses present:

STEPHEN MINOR, JUN.,

JOHN MINOR.

The same day, month, and year, of the executing of the within deed, I acknowledge to have received ten thousand dollars, being the full amount of the within consideration.

$10,000. WM. LINTOT.

MISSISSIPPI TERRITORY, *county of Adams.*

Before me, the undersigned, one of the justices of the court of com-

mon pleas for said county, came William Lintot, whose name is written within, and seal annexed, and acknowledged the within indenture, to be by him signed, sealed, and delivered, as his free act and deed, for the purposes therein mentioned.

Given under my hand and seal this 15th day of September, A. D. 1800. W. M. KENNER.

The within indenture, receipt, and probate admitted to record, March 26th, 1800, in the register's office, west of Pearl river, in book B, page 638, &c., of written evidences of claims, &c.

Examined and compared with said record by

E. TURNER, *Register*.

I certify that the within and foregoing deed was received into my office, to be recorded, on the 6th day of January, A. D. 1831.

WOODSON WREN, *Clerk*.

STATE OF MISSISSIPPI, *Adams county*.

I, Woodson Wren, clerk of the county court of said county, certify, that the foregoing and within deed has been duly recorded in my office, in book S, pages 332 and '3 of the records of deeds.

[L. S.] Given under my hand and official seal, at the city of Natchez, this 7th day of March, A. D. 1831.

WOODSON WREN, *Clerk*.

Exhibit No. 7.

Monday, the 10th of September, 1804, the board met.

No. 1220. Stephen Minor claims 1000 arpanes, Spanish patent to Manuel Gayoso, dated the 12th of September, 1794, who assigned and transferred the same to Margaret Watts, afterwards Margaret Watts Gayoso, the 12th of February, 1795, who conveyed the same to Daniel Clark by deed dated the 10th of August, 1799, who conveyed the same to Wm. Lintot the 15th of August, 1800, who conveyed the same to the present claimant on the 15th of September, 1800; the patent to Gayoso, assignment to Margaret Watts, deed from Margaret to Clark, deed from Clark to Lintot, and deed from Lintot to Stephen Minor, were produced in evidence, filed with the register.

Witness William Barland on oath says, that Margaret Watts Gayoso was an actual settler in the Mississippi territory on the 27th of October, 1795.

Wednesday, the 18th of September, 1805. Present, Robert Williams, Thomas H. Williams. No. 1220, Stephen Minor, 1000 arpanes, confirmed for 756 arpanes. Certificate A, 610.

I, Thomas W. Newman, register of the land office at Washington, Mississippi, do hereby certify, that the above are true extracts from the journal of the commissioners, appointed under the act of Congress approved March 3, 1803, entitled an act regulating the grants of land,

1832.

and providing for the disposal of the lands of the United States south of the State of Tennessee, remaining in this office.

Given under my hand and private seal, having no official seal, the 5th May, 1845.

THOMAS W. NEWMAN.
Register of Land Office.

(*Exhibit No.* 8.)

A No. 610. MISSISSIPPI TERRITORY. Register 1220.

Board of commissioners west of Pearl river, established by a law of Congress regulating the grants of land, and providing for the disposal of lands of the United States south of the State of Tennessee.

Stephen Minor claims a tract of seven hundred and fifty-six arpens of land, situate in Adams county, near the city of Natchez, by virtue of a grant under the authority of the Spanish government, to Manuel Gayoso de Lemos, for one thousand arpanes, bearing date the 12th day of September, in the year one thousand seven hundred and ninety-four, having such shape, form and marks, both natural and artificial, as are represented in the plat annexed to said grant, and legally conveyed to the claimant.

We do certify, that the said Stephen Minor is confirmed in his title thereto by virtue of the articles of agreement and cession between the United States and Georgia.

Given under our hands, at the town of Washington, in the county of Adams, this eighteenth day of September, in the year one thousand eight hundred and five, and in the thirtieth year of the independence of the United States.

ROBERT WILLIAMS,
THOMAS H. WILLIAMS,
Commissioners.

Attest:

R. CLAIBORNE, *Clerk of the Board.*

I, Thomas W. Newman, register of the land office at Washington, Mississippi, do hereby certify, that the within certificate is truly copied from the records in said office.

Given under my hand and private seal, having no official seal, the 6th of May, 1845.

THOMAS W. NEWMAN, [SEAL.]
Register of Land Office.

(*Exhibit No.* 9.)

This indenture, made this twenty-fifth day of January, in the year of our Lord eighteen hundred and twenty-nine, between Katharine Minor executrix, and John Minor executor, of the last will and testament of Stephen Minor, deceased, late of Adams county, State of Mississippi, of the first part, and William John Minor, of the same county and State, of the second part.

Whereas, by the said last will and testament of the said Stephen Minor, his executors before named were fully authorized and empowered, whenever they should deem it for the interest and advantage of the family of the testator aforesaid, to sell and dispose of, either at public or private sale, all or any part or portion of his estate, either real or personal, provided the said executors should jointly consent to and concur in the necessity of such sale or sales. And whereas the said executors have jointly consented to sell, and concurred in the expediency and necessity of selling, certain parts or portions of the real estate of the testator, the aforesaid Stephen Minor. And whereas, also, the heirs of the said Stephen Minor, deceased, have severally consented and agreed to the sale of the hereinafter described property, to the said William John Minor, for the sum of twenty-four thousand dollars:

Now, this deed witnesseth, that the said Katharine and John Minor, in their capacities of executrix and executor as aforesaid, for and in consideration of the aforesaid sum of twenty-four thousand dollars, to them in hand paid before the sealing and delivering of these presents, receipt whereof they do hereby acknowledge, and the said party of the second part, his heirs, executors, administrators, and assigns, forever acquit and discharge from the same, have granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents grant, bargain, sell, alien, convey, and confirm, unto the said party of the second part, his heirs and assigns, forever, all that tract or parcel of land, or plantation, called Concordia, situate, lying, and being in the county of Adams aforesaid, adjoining the city of Natchez, bounded and described as follows: on the north by the estates of D. Grafton and W. Barland; on the east by the estate of N. Ivy, St. Catharine's creek, land belonging to Col. A. L. Burgaman, and part of the estate of William Brooks; on the south by the road leading from Washington to the city of Natchez, and a narrow strip of land lying north of said road; on the west by the city of Natchez, 2 lots, marked I and H, on George Dougherty's re-survey of said plantation, dated January 24th, 1829, recently sold by the said parties of the first part, the latter to J. Beaumont; a line running from a stake in the corner (N. E.) of said last mentioned lot, east one hundred and eighty-five feet to another stake; thence north 38° 41′ east, 21° 60′ to a post; thence north 1½ east, 8.86, to a post; thence north 54° 39′ west, to a burying ground. A tract of land, recently belonging to the estate of the said Stephen Minor, deceased, and sold to L. Purnell, marked E on said above mentioned plot, and lands belonging to John B. Nevitt, all which is more accurately delineated and described by the plat above referred to, hereto annexed and made a part of this deed, as will fully appear by reference being had thereto; together with all and singular the rights, members, privileges, buildings, hereditaments, and appurtenances to the same in any wise appertaining or belonging, and all the estate, right, title, interest, property, claim, or demand, which the said Stephen Minor had or held in his lifetime, and of which he died seized and possessed, in the above described and hereby granted premises. To have

and to hold the above described and hereby granted premises, with the appurtenances, unto the said William John Minor, his heirs and assigns, forever.

In witness whereof the said Katharine Minor executrix, and John Minor executor, as aforesaid, have hereunto set their hands and seals the day and year first above written.

K. MINOR, [SEAL.]
JOHN MINOR. [SEAL.]

Signed, sealed, and delivered, in presence of:
WM. BURNE.

STATE OF MISSISSIPPI, *Adams county*.

Personally appeared before the undersigned, Henry Tooley, justice of the peace in and for the county aforesaid, the above named Katharine Minor and John Minor, and severally acknowledged that they signed, sealed, and delivered the foregoing deed, as their act and deed, on the day therein mentioned.

Given under my hand and seal this 10th day of April, A. D. 1829.
H. TOOLEY. [SEAL.]

I certify that the above and within deed was received into my office to be recorded on the 11th April, 1829.
WOODSON WREN, *Clerk*.

STATE OF MISSISSIPPI, *Adams county*.

I, Woodson Wren, clerk of the county court of said county, certify, that the within deed and foregoing certificate has been duly recorded in my office, in book (B) of the records of deeds.

Given under my hand and official seal, at the city of Natchez, this 22d day of April, A. D. 1829.
[L. S.]
WOODSON WREN, *Clerk*.

[For maps see original, pages 46 and 47.]

(*Exhibit* No. 10.)

This indenture, made and entered into this sixth day of April, in the year of our Lord eighteen hundred and twenty-nine, between William John Minor, of the county of Adams and State of Mississippi, of the first part, and Katharine Minor, of the same county and State, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of twenty-four thousand dollars, to him in hand paid before the ensealing and delivering of these presents by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the second part, heirs, executors, administrators, and assigns, forever acquitted and discharged from the same,

has given, granted, bargained, sold, delivered, conveyed, released, and confirmed, unto the said party of the second part, heirs and assigns, forever, all that parcel or tract of land or plantation called Concord, situate, lying, and being in the county of Adams aforesaid, adjoining the city of Natchez, bounded and described as follows, to wit: on the north by the estates of D. Grafton and W. Barland; on the east by the estate of N. Ivy, St. Catharine's creek, land belonging to Colonel A. L. Burgaman, and part of the estate of William Brooks; on the south by the road leading from the city of Natchez to Washington, and a narrow strip of land lying north of said road; on the west by the city of Natchez, *to* lots marked I and H, on George Durgharty's resurvey of said plantation, dated January 24th, 1829, recently sold by Katharine Minor and John Minor, executors of Stephen Minor, deceased, the latter to J. Beaumont; a line running from a stake in the northeast corner of the said last mentioned lot, east one hundred and eighty-five feet to another stake; thence north 38.41. E., 21.60. to a post; thence N. 1½ E., 8° 86′ to a post; thence N. 54° 30′ W., to a burying ground; a tract of land recently a part of said plantation, and sold to L. Purnell, marked E on said plat above mentioned, and land belonging to John B. Nevitt, all which are more accurately and fully described and delineated by the plat above referred to, attached to a conveyance of the above described and hereby granted premises from Katharine Minor and John Minor, executors, &c., to the party of the first part in these presents, bearing date the twenty-fifth day of January, eighteen hundred and twenty-nine; together with all and singular the rights, members, privileges, hereditaments, and appurtenances, to the same in anywise appertaining or belonging; and all the estate, right, title, interest, property, claim, and demand of the said party of the first part, his heirs and assigns, in and to the above described and hereby granted premises, and every part and parcel thereof.

To have and to hold the above described and hereby granted premises, with the appurtenances, unto the said Katharine Minor, to the only proper use and behoof of the said Katharine Minor, her heirs and assigns, forever. In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

WM. J. MINOR. [SEAL.]

Signed, sealed, and delivered in presence of:

JAMES FURGUSON,
D. VORWERCK.

STATE OF MISSISSIPPI, *Adams county.*

Personally appeared before the undersigned, Henry Tooley, justice of the peace in and for the county aforesaid, the within named William John Minor, and acknowledged that he signed, sealed, and delivered the within deed, as his own act and deed, on the day therein mentioned. Given under my hand and seal this 5th day of , A. D. 1829.

H. TOOLEY. [SEAL.]

I certify that the within deed and foregoing certificate was received into my office, to be recorded, on the fifth day of May, A. D. 1829.

WOODSON WREN, *Clerk.*

STATE OF MISSISSIPPI, *Adams county.*

I, Woodson Wren, clerk of the county court of said county, certify, that the within deed has been duly recorded in book R, pages 342 and 343 of the records of deeds in my office.

Given under my hand and official seal, at the city of Natchez, the 6th day of May, A. D. 1829.

[L. S.] WOODSON WREN, *Clerk.*

Replication.

The replication of Margurite, Aurore, Fernando, and Felicite Gaybso, infant heirs of Fernando Gayoso, by their *next* mother and next friend, complainants, to the joint and several answer of William J. Minor, James C. Wilkins, and Henry Chotard, executors of the last will and testament of Katharine Minor, deceased, and of Francis Chotard, and Katharine L. Wilkins, deceased, together with the said William J. Minor, of the said Katharine Minor, deceased.

These repliants, saving and reserving unto themselves all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereto say, that they will aver and prove their said bill to be true, certain, and sufficient in law to be answered unto, and that the said answer of the said defendants is uncertain, untrue, and insufficient to be replied unto by these repliants; without this, that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things these repliants are and will be ready to aver and prove, as this honorable court will direct, and humbly pray as in and by said bill they have already prayed.

GEO. WINCHESTER,
Solicitor for complainants.

Proof.—(Deposition No. 1.)

UNITED STATES OF AMERICA;
Southern district of Mississippi.

In the circuit court, chancery side thereof.

Interrogatories to be exhibited to Genl. A. Peabody, A. Morse, John B. Carr, and other citizens of Louisiana, for the examination of said witnesses, in a certain cause now depending in the circuit court of the United States, for the southern district of Mississippi, wherein Margurite Gayoso, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso, heirs of Fernando Gayoso, deceased, are complainants, and the heirs of Job Routh and of Stephen Minor, are defendants, on the part and behalf of the said complainants.

Interrogatory 1st. Do you know the parties, complainants and defendants, in the title to these interrogatories named, or either and which of them, and how long have you known them, or such of them as you do know?

Interrogatory 2d. Were you or not acquainted with Fernando Gayoso, and Lodoiska Perez, his wife? If yea, are you acquainted with the state of the said Fernando Gayoso's family? Is the said Fernando Gayoso living or dead, and if dead, where and about what time did he die; and did he or not leave any children or issue, and whom; and particularly are not the said complainants, Margurite, Aurore, Fernando and Felicite Gayoso the children of the said Fernando Gayoso and Lodoiska, his wife? Had not the said Fernando any and what other children or issue other than and besides those herein before named? If yea, are they, or any, and which of them, living or dead; and if dead, when or about what times did they, or any, and which of them, die, as you know or do for any and what reasons believe? Declare the truth and your utmost knowledge, remembrance, and belief herein.

Interrogatory 3d. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

GEO. WINCHESTER,
Sol. for complainants.

We agree that the commission shall issue to take the testimony of the above witnesses in the same manner as if the same were at hearing as to all parties.

QUITMAN & McMURRAN,
Sols. for defendants.

UNITED STATES OF AMERICA,
Southern district of Mississippi.

The President of the United States, to the honorable Greneaux, judge of the parish of Natchitoches, State of Louisiana, or any justice of the peace in and for said parish, greeting:

Know ye, that, trusting to your fidelity and prudent circumspection in diligently examining Gen. Peabody, A. Morse, John B. Carr, and others of the said parish of Natchitoches, witnesses in a certain cause now depending in the circuit court of the United States for the district aforesaid, wherein the heirs of Don Manuel Gayoso de Lemos are complainants, and the heirs of Stephen Minor et al. are defendants, you are requested, at such certain days and places as you shall appoint, to call and cause said witnesses to come before you, and them diligently examine on oath, and their examination into the circuit court aforesaid you distinctly and plainly set, together with this writ enclosed, with all convenient speed.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, at Jackson, the first Mon-
[L. S.] day of May, in the year of our Lord one thousand eight hundred and forty-five, and in the 69th year of the independence of the United States of America.

Issued the 5th day of September, 1845.

W. H. BROWN, *Cl'k*,
Per CHS. H. ROGERS, *D. C.*

The execution of this commission appears in a certain schedule hereunto annexed.

C. E. GRENEAUX,
Parish judge and comm'r.

October 9th, 1845.

STATE OF LOUISIANA,
Parish of Natchitoches.

Depositions of witnesses, produced, sworn, and examined on the 9th day of October, A. D. 1845, at the office of the undersigned, parish judge in and for the parish of Natchitoches, State of Louisiana, by virtue of a commission issuing from the circuit court of the United States, in and for the southern district of Mississippi, to him directed for the examination of witnesses in a certain cause now depending in said court, wherein the heirs of Don Manual Gayoso de Lemos are complainants, and Stephen Minor's heirs et al. are defendants.

John B. Carr, of the parish of Natchitoches, State of Louisiana, who is of lawful age, being produced, sworn, and examined, on behalf of the complainants, deposeth as follows:

To the first interrogatory he saith, that he knows the parties complainants in the above mentioned cause, namely, Margurite Gayoso, wife of M. M. Robinson, of New Orleans, in this State; Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso; that he has known Margurite and Aurore since 1834 (as he thinks,) and also Fernando and Felicite, if they were born at that time, of which he is not certain. He says that he has known the whole family since Fernando Gayoso came to this parish to reside, in the year 1834; he believes that to have been the year, but is not certain. He says he thinks Fernando is about eleven or twelve years of age, and Felicite is about nine or ten years of age. He says, further, that he does not know the parties defendants in this cause.

To the second interrogatory he saith, that he was acquainted with Fernando Gayoso and Lodoiska Perez, his wife, and with the state of his family. That the said Fernando Gayoso is dead; that he died in January, 1837; that deponent was with him on the night in which he died; that deponent is further assured of the time of his death by the annexed certificate, (marked A); that he is well acquainted with the Rev. J. Giustiniani, the parish priest of the parish, who has certified the same, and whose handwriting he recognises and knows perfectly well. He says that Fernando Gayoso left the above named children, Margurite, Aurore, Fernando, and Felicite, besides a son named James, who died three or four years afterwards. That the complainants, Margurite, Aurore, Fernando, and Felicite are the children of Fernando Gayoso and Lodoiska Perez, his wife. That the said Fernando Gayoso had other children whom deponent knew, viz., the above named James, and a son named Manuel Gayoso, who died in the fall of 1835; the annexed paper (marked B,) certified by the Rev. J. Giustiniani, whose handwriting deponent well knows, and who is now parish priest

of this parish, establishes the day of his death 29th Nov'r, 1835. Deponent knows that Manuel Gayoso died at that time, for he was here then, was watching at his bed side on the night before his decease, and was, he remembers, at his funeral. He knows also that James died, but does not recollect the time.

To the third interrogatory he saith, that he knows and can set forth no other matter or thing which may be of benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this examination, or the matters in question in this cause, further than that the Rev. J. Giustiniani, the parish priest of this parish, is the keeper of the register of the church for this parish.

J. B. CARR.

Examination taken and reduced to writing, and by the witness subscribed and sworn to this 9th day of October, A. D. 1845, before me.

C. E. GRENEAUX,
Parish judge and com'r.

Extrait mortuaire de Ferdinand Gayoso de Lemos. Le quatorze Janvier, mil huit cent trente sept, je, soussigné, curé de l'eglise St. François de Natchitoches, ai administré la sepulture ecclesiastique au corps de Jean Ferdinand Gayoso de Lemos, epoux legitime de Julienne Roff, decédé de la veille à l'age d'environ quarante cinq ans.

E. D'HAVRE.

Je, soussigné, curé actuel de l'eglise St. François des Natchitoches, certifie que le sudit extrait est conforme a l'original conservé dans les registres de la sudite parroisse. No. 8, page 55.

Natchitoches, le 1st Octobre, 1845.

T. GIUSTINIANI.

And at the same time and place, Peabody A. Morse, of the same parish, who is of lawful age, being produced, sworn, and examined, on behalf of the complainants, deposeth as follows:

To the first interrogatory he says, that he does know the parties complainants, to wit, Margurite Gayoso, wife of M. M. Robinson, of New Orleans, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso; cannot say that he knows the defendants, though he may have seen them; has known the parties complainants for eight or nine years.

To the second interrogatory he says, that he was the law partner of Fernando Gayoso from 1835 to the time of his death, and was well acquainted with his wife, Lodoiska Perez, from 1835 to the present time, as well as with the other members of his family. Witness says that Fernando Gayoso is dead; was present at the time of his death, and assisted at his funeral. He died in 1837, some time in the winter of the beginning of that year. He left a son, named James, who was 14 or 15 years old at the time of his father's death, issue of a former marriage; as well as the complainants, whose names are mentioned in the answer to the first interrogotary, who are the only issue of Fernando Gayoso and Lodoiska Perez, his wife. The only other child Fernando Gayoso had, known to witness, was a son named Manuel,

full brother to James Gayoso, above mentioned, who died about one year before his father's death. James Gayoso died about one year after his father. Witness was not present at the death of either Manuel or James Gayoso, but they were at that time residents of the town of Natchitoches, where witness then resided, and still resides, and from the family and the community at large he learned their death. Knows of their death as well as any other fact which he did not see; that the only surviving heirs of Fernando Gayoso are the complainants above named.

To the 3d interrogatory he says, that he has examined the register of burials kept by the parish priest of this parish, and found therein a note of the burial of Fernando Gayoso and of Manuel, his son; has examined the certificate or extracts from said register, made by the present priest, the Rev. Mr. Giustiniani, marked A and B, and believes them to be correct.

Further deponent saith not. P. A. MORSE.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this 9th day of October, A. D. 1845, before me.

C. E. GRENEAUX,
Parish judge and com'r.

No. 2.

Interrogatories to be propounded to Judge King, senr., and Stephen Wycoff and others, of Opelousas, Louisiana, whose depositions, when taken, will be read in the trial of the above stated cause in behalf of the complainants.

Interrogatory 1st. Do you know, and from what circumstances, when and where Fernando Gayoso was born? If yea, set forth the time and place of his birth, and the reason of your knowledge therein, and who were his father and mother. And if you, at any time, heard his mother make any and what declarations touching and concerning the said Fernando Gayoso being the legitimate son of Don Manuel Gayoso de Lemos, set forth all you know and believe and have heard concerning the matters inquired after by this interrogatory, with the reasons and circumstances to induce your belief, fully and at large

Interrogatory 2d. Do you or not know whether the mother of Fernando Gayoso, and wife of Don Manuel Gayoso de Lemos, survived her said husband; and if so, do you or not know whether she was ever afterwards married, and when and to whom? Set forth the time when she was afterwards married particularly. Is she now living or dead; when and at what time did she die?

Interrogatory 3d. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, and that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

GEO. WINCHESTER,
Solicitor for complainants.

Cross interrogatories by defendants' solicitors.

1st. State whether Don Manuel Gayoso de Lemos left a will; whether you know of his conveying his real estate near Natchez, or any other, to his wife, Margaret Watts.

2d. Do you know any thing else material to the defendants? If so, state it fully.

QUITMAN & McMURRAN,
For defendants.

We agree that a commission shall issue to take the testimony of the above witnesses, as if the cause were at hearing as to all the defendants.

QUITMAN & McMURRAN,
For defendants.

UNITED STATES OF AMERICA,
Southern district of Mississippi, ss.

The President of the United States, to the Hon. George R. King, judge of the judicial district, sitting in and for the parish of Opelousas, State of Louisiana, or any justice of the peace for said parish, greeting:

Know ye, that trusting to your fidelity and provident circumspection, in diligently examining Judge King, sen., Stephen Wikoff, and others, of said parish of Opelousas, witnesses in a certain cause now depending in the circuit court of the United States, for the district aforesaid, wherein the heirs of Don Manuel Gayoso de Lemos are complainants, and the heirs of Stephen Minor et al. are defendants; you are requested at such certain days and places as you shall appoint, to call and cause the said witnesses to come before you, and them diligently examine on oath, and their examination into the circuit court aforesaid you distinctly and plainly set, together with this writ enclosed, with all convenient speed.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, at Jackson, the first Monday in May, in the year of our Lord one thousand eight hundred and forty-five, and in the 69th year of the independence of the United States of America.

[L. S.]

Issued the fifth day of September, 1845.

W. H. BROWN, *Clerk*,
Per CHS. H. ROGERS, *D. C.*

The execution of this commission appears in a certain schedule hereunto annexed.

GEORGE R. KING,
Judge 5th district and commissioner.

UNITED STATES OF AMERICA,
State of Louisiana, parish of St. Landry.

Depositions of witnesses produced, sworn, and examined, on the eighteenth and twenty-first days of October, A. D. 1845, at their re-

spective residences in the parish of St. Landry, State of Louisiana, by virtue of a commission issuing from the circuit court of the United States, in and for the southern district of Mississippi, to George R. King, judge of the judicial district sitting in and for the parish of Opelousas, State of Louisiana, or any justice of the peace for said parish, directed for the examination of witnesses in a certain case depending in said court, wherein the heirs of Don Manuel Gayoso de Lemos are complainants, and Stephen Minor's heirs et al. are defendants.

Stephen W. Wikoff, who is of lawful age, being produced, sworn, and examined on behalf of the complainants, deposeth as follows, to wit:

To the first interrogatory he saith: That he believes that Fernando Gayoso was born at Natchez, in the State of Mississippi, although witness cannot state the particular reasons for his belief. Witness was a cousin of the late Fernando Gayoso, and lived upon terms of intimacy with him and his mother during their lifetime, and presumes that his belief is based upon impressions received from them. Fernando Gayoso, if now alive, would be about forty-eight years of age; his mother was Margaret Watts, and, as witness believes, his father was the late Don Manuel Gayoso de Lemos, former governor of Louisiana. Has often heard Margaret Watts speak of Fernando Gayoso as the son of herself and of Don Manuel Gayoso. Never heard the legitimacy of Fernando Gayoso questioned until he heard that it had been put at issue in this suit; witness has heard in his own parish that some impediment existed to the formal marriage of Don Manuel Gayoso and Margaret Watts, but he does not know what that impediment was. In consequence however of its existence, the parties entered into a written contract of marriage at Natchez, at which a large number of the most respectable citizens of the place were present, who attested the act. Subsequently, as witness has heard, the impediment was removed, and the marriage was soon formally solemnized.

To the second he saith: That he has heard that Don Manuel Gayoso de Lemos died several years before the marriage of Margaret Watts with Captain James Stelle. Captain James Stelle and Margaret Watts lived a great number of years in the parish of St. Landry as man and wife, and were received and recognised as such; witness has no personal knowledge of either the death of Don Manuel Gayoso or of the subsequent marriage of his widow with James Stelle, than by general reputation. Witness has always heard that Margaret Watts and James Stelle were married in New Orleans about the year 1805 or 1806. She is not now living; she died in the parish of St. Landry about fifteen or sixteen years ago; she survived her last husband several years.

To the third interrogatory witness says: That he knows nothing further that he is aware of that is material to any of the parties to this cause. He will state, however, that his name is Stephen Watts Wikoff, and presumes that he is the person referred to in the commission and interrogatories annexed, as he is not aware of the existence of any other person in this parish bearing the surname of Wickoff whose christian name is Stephen.

He says that he knows nothing of the matters therein inquired of.

S. W. WIKOFF.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this eighteenth day of October, A. D. 1845.

GEORGE R. KING,
Judge of 5th dist., Louisiana, commissioner.

And at the aforesaid parish of St. Landry, on the 21st day of October, A. D. 1845, Judge George King, a witness of lawful age, being produced, sworn, and examined on behalf of the complainants, deposeth as follows, to wit:

To the first interrogatory he saith, he believes that Fernando Gayoso was born at Natchez, in the year 1796 or 1797, and that he was the legitimate son of Don Manuel Gayoso de Lemos and Margaret Watts; and witness will proceed to state, as he is requested in the interrogatory, some of the circumstances which induce his belief. Some time in the year 1797 or 1798, Don Manuel Gayoso was made governor of the province of Louisiana, and arrived at New Orleans in one of those years to take charge of his government. He came to the city in a barge, and landed immediately opposite to the store of witness. Witness being acquainted with the governor, went on board the barge with others to welcome his arrival. Mrs. Gayoso (Margaret Watts) was with the governor, and had her son, the said Fernando Gayoso, then an infant, in her arms; witness to the best of his recollection took the child from his mother's arms, and carried him on shore. Witness had known the said Mrs. Gayoso as Miss Margaret Watts, previous to her first marriage. Having been the bearer of a letter of introduction from General Wilkinson in 1793 to Governor Gayoso, then governor of Natchez, witness was invited to his house, where he became acquainted with his family, then consisting of Mrs. Watts, the mother-in-law, and Miss Margaret Watts, his sister-in-law.

In the year 1796 or 1797, it was currently reported and believed in the city of New Orleans, where witness then resided, that Governor Gayoso had been privately married to Margaret Watts at Natchez, which marriage could not be publicly acknowledged, because it had been contracted without the permission of the King of Spain, or perhaps the dispensation of the Pope was needed, as the former wife of Governor Gayoso had been a sister of Margaret Watts, or perhaps for both these reasons. Some time after the arrival of Governor Gayoso at New Orleans, the Bishop of Havana happening to be there, and the impediments to the marriage, whatever they were, having been removed, the nuptial ceremony was publicly solemnized by the bishop. Witness was not present at the marriage, but the fact that it was celebrated was one of general notoriety and universally believed in the city of New Orleans. Witness was frequently at the house of Governor Gayoso in the city of New Orleans, where he saw Mrs. Gayoso (Margaret Watts) and Fernando Gayoso, and on all occasions the former was treated as the

wife of the Governor, and the latter as the child of their marriage. Mrs. Gayoso, as witness always understood, was, after the death of Governor Gayoso, treated by the Spanish government as his widow, and as such allowed during her widowhood a pension equal to half the annual salary of her deceased husband. Fernando Gayoso lived with his mother during his minority, except when at school, and was always spoken of by her as the issue of her marriage with Don Manuel Gayoso de Lemos. Margaret Watts left at her death several other children, issue of a second marriage. At the settlement of her succession, Fernando Gayoso was treated as one of her legitimate heirs, and as such received his portion. From all these circumstances witness, who knew the parties from the dates already stated to those of their respective deaths, has always believed that Fernando Gayoso was the legitimate son of Don Manuel Gayoso de Lemos and Margaret Watts, his wife.

Governor Gayoso died in New Orleans in the year 1799. To the second interrogatory he saith, that Margaret Watts survived Don Manuel Gayoso de Lemos, and remained a widow, until the latter part of the year 1805, or the commencement of 1806, when she intermarried with Capt. J. Stelle, of the U. S. army; witness was not present at the ceremony; witness removed permanently from New Orleans in August, 1805, in the fall of that year, thinks about the month of November; saw Capt. Stelle at Opelousas, who informed him that he was to be married to the widow of Gov. Gayoso immediately upon his return to the city; and early in the following spring, the two, viz., James Stelle and Margaret Watts, came to this parish as man and wife, and here established their residence. Witness thinks he learnt from the parties that they were married in Dec'r, 1805, or in January, 1806. Mrs. Stelle, Margaret Watts, died in the county of Opelousas, parish of St. Landry, about fifteen or sixteen years ago. During the residence of Capt. James Stelle and wife in this parish, they were near neighbors of witness.

To the third interrogatory he saith, that he is not aware that he knows any thing further material to the parties to this cause. Witness states, that he presumes he is the person referred to in the interrogatories and commission under which he has been examined, as he is the only person known to him in the State called Judge King, except the person to whom the commission is addressed.

Answers to cross interrogatories.

To the first cross interrogatory witness saith, that he is ignorant of the matters inquired of in this interrogatory. Never heard that Governor Gayoso left a will, and knows nothing of his having conveyed lands to Margaret Watts.

To the second he saith, that he is not aware of knowing anything further material to the parties.

GEO. KING.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this 21st day of October, A. D. 1845, before me,

GEO. R. KING,
Judge of 5th district, La., com'r.

The following erasures and interlineations were made to the foregoing answers, by the undersigned commissioner, in the presence and with the consent of the witnesses respectively, before signing their several declarations, viz: upon the 1st page, in the 3d and 4th lines from the bottom, the words "the family of Fernando Gayoso and his own" —"he cannot say what" stricken out, and the words "his own family" interlined. On the 2d page, 7th line from the top, "in the city of New Orleans" stricken out; on the third page, "was produced" stricken out. On the 4th page, 8th line from the bottom, "to," "of" erased. On the 5th page, between the 11th and 12th lines, "spring" interlined.

GEO. R. KING,
Judge 5th district, La., commissioner.

(No. 3.)

Interrogatories to be propounded to A. Duluc, George Eustice, and other witnesses, citizens of Louisiana, whose deposition when taken will be read on the trial of the above stated case on behalf of the complainants.

Interrogatory 1st. Were you or not acquainted with Governor Don Manuel Gayoso de Lemos in his lifetime? Do you or not know whether the said Don Manuel Gayoso was ever married, and when and to whom, and whether he left any and what legitimate child or children living at the time of his death; and if any, set forth whom by name particularly. And do you or not know whether Fernando Gayoso was the legitimate son of the said Don Manuel Gayoso, and if you at any time heard the said Don Manuel Gayoso making any and what declarations touching and concerning the said Fernando's being his child? Set forth all you know, and have heard and believe, concerning the matters inquired after by this interrogatory, with the reasons and circumstances to induce your belief, fully and at large.

Interrogatory 2d. Look upon the paper writings now produced and shown to you at this time of your examination, marked respectively with the letters A and B; what do the same severally purport or appear to be? Did you compare or examine them, or either and which of them, with the register books of, or kept for any and what parishes or places; and are they, or is either, and which of them, true copies or a true copy of any and what entry or entries, in any and which of said register books, as you know, or for any and what reasons believe? And do any or either, and which, of such exhibits as you for any and for what reason know or believe, relate to the marriage of Don Manuel Gayoso de Lemos with Margaret Watts, or the death of Don Manuel Gayoso de Lemos, and who is, or are, or was, such person or persons respectively; and particularly were you ever, and when, and by what means, acquainted with such person or persons respectively?

Interrogatory 3d. Do you or not know whether the said Margurite, wife of the said Don Manuel Gayoso, survived the said Don Manuel Gayoso; and if so, do you or not know whether the said Marguerite,

the widow of Don Manuel Gayoso, was ever afterwards married, and when, and to whom; and if so, set forth the time when she was so married particularly. Is the said Marguerite living or dead; and if dead, when and about what time did she die?

Interrogatory 4th. Do you or not know whether Don Manuel Gayoso de Lemos was a resident of the territory of Mississippi, on the 2d day of October, 1795 (seventeen hundred and ninety-five)?

Interrogatory 5th. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

GEO. WINCHESTER,
Atto. for complainants.

Cross interrogatories by defendants' solicitors.

1st. Do you know of any donation or transfer of land in Mississippi made by the said Don Manuel Gayoso de Lemos to his —— Margaret? If so, state what you know on this subject.

2d. If you know any other matter of advantage to defendants, please state the same at large.

QUITMAN & McMURRAN,
Solicitors for defendants.

We agree that a commission shall issue to take the testimony of the above witnesses, as if the cause were at hearing as to all parties.

QUITMAN & McMURRAN,
Solicitors for defendants.

UNITED STATES OF AMERICA,
Southern district of Mississippi, to wit:

The President of the United States, to Judge O. P. Jackson, or Judge Alexander Walker, of New Orleans, Louisiana, greeting:

Know ye, that trusting to your fidelity and prudent circumspection in diligently examining A. Duluc, George Eustice, and others, of New Orleans, Louisiana, witnesses in a certain cause now depending in the circuit court of the United States for the district aforesaid, wherein the heirs of Don Manuel Gayoso de Lemos are complainants, and the heirs of Stephen Minor et al. are defendants, you are requested at such certain days and places as you shall appoint to call and cause said witnesses to come before you, and them diligently examine on oath, and their examination into the circuit court aforesaid you distinctly and plainly set, together with this writ inclosed, with all convenient speed.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, at Jackson, the first Mon-
[L. S.] day in May, in the year of our Lord one thousand eight hundred and forty five, and in the 69th year of the independence of the United States of America.

Issued the fifth day of September, 1845.

W. H. BROWN, *Clerk*,
Per CHS. H. ROGERS, *C. D.*

The execution of this commission appears in a certain schedule hereunto annexed.

O. P. JACKSON, *Judge*.

Depositions of witnesses produced, sworn, and examined, on the 9th day of October, A. D. 1845, at the office of O. P. Jackson, associate judge of the city of New Orleans, in the State of Louisiana, by virtue of a commission issuing out of the circuit court of the United States, in and for the southern district of Mississippi, to him directed for the examination of witnesses in a certain cause depending in the said court, wherein the heirs of Don Manuel Gayoso de Lemos are complainants, and Stephen Minor's heirs et al. are defendants.

A. Duluc, of New Orleans, who is of lawful age, being produced, sworn, and examined on behalf of complainants, deposeth and saith as follows: To the first interrogatory he saith, that he knows nothing. To the second interrogatory, that he looks upon the papers referred to annexed, marked A and B; the same purport to be and are (the one A) an exhibit of the decease of Don Manuel Gayoso de Lemos, and B an extract of the marriage of Don Manuel Gayoso de Lemos with Margaret Watts; he has compared and examined both these with the register books of the Catholic church of St. Louis, kept in the city and parish of New Orleans, and State of Louisiana, and they are true copies of the entries in such register books. The said exhibits, A and B, are signed by deponent, acting as he is in the capacity of the secretary of the church of St. Louis; and that said register from which said exhibits are taken were in his custody as such secretary.

To the 3d interrogatory he saith he knows nothing. To the 4th interrogatory he saith he knows nothing. To the 5th interrogatory he saith he knows nothing further.

To the 1st cross interrogatory saith that he knows nothing. To the 2d cross interrogatory saith that he knows nothing of advantage to defendant.

A. DULUC.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this 9th day of October, A. D. 1845, before me.

O. P. JACKSON, *Judge*.

And at the same place, and on the same day, to wit, the 9th October, 1845, Theresa Josephine Harris, a witness of lawful age, being produced, sworn, and examined on behalf of the complainants, deposeth as follows:

To the 1st interrogatory she saith, that she knows nothing of what is herein asked. To the 2d interrogatory she saith, that she knows nothing of what is herein asked, except that she was acquainted with Mrs. Gayoso, formerly Margaret Watts.

To the 3d interrogatory she saith, that she knows that Margaret Watts, wife of Don Manuel Gayoso, survived him. Deponent left New Orleans in 1805, in the spring, to pass some time in the country, and at that time Mrs. Margaret Gayoso was not married. Deponent knew her personally, and saw her frequently in society. Subsequently to this

1850.

spring, in 1805, she heard that Mrs. Gayoso had been married to Captain Stelle, although she saw her but once as Madam Stelle. Deponent's memory will not enable her to fix the precise time of the said marriage. Deponent knows nothing more in answer to third interrogatory.

To the 4th interrogatory she knows nothing.

To the 5th interrogatory knows nothing further.

To the 1st cross interrogatory saith, she knows nothing.

To the 2d cross interrogatory saith, she knows nothing.

T. J. HARRIS.

Examination taken, reduced to writing, and by witness subscribed and sworn to this 9th day of October, A. D. 1845, before me.

O. P. JACKSON, *Judge*.

And at the same place, and on the day next succeeding, to wit, on the 10th day of October, A. D. 1845, W. S. Upton, a witness of lawful age, produced and examined on behalf of the complainants, saith as follows:

To the 1st interrogatory saith, that he knows nothing. To the 2d interrogatory, that he knows nothing. To the 3d interrogatory, saith that he has in his possession a regular file of the Louisiana Gazette, a semi-weekly newspaper, published in the city of New Orleans, from July, 1804. That in No. 115, vol. 2, published on Tuesday, December 3d, 1805, immediately under the editorial head, is the following entry:

"Married." On Sunday evening last, Captain Stelle, of the United States army, to Madam Gayoso, widow of the late Governor Gayoso, both of this city.

This file is deposited in deponent's hands as agent of a person who is out of the city, and that he cannot give up the original files. The originals were produced in court before me, O. P. Jackson, judge; knows nothing further, excepting what is contained in, or inferred from, the present statement.

To the 4th interrogatory saith, he knows nothing.

To the 5th interrogatory saith, he knows nothing.

To the 1st cross interrogatory saith, that he knows nothing.

To the 2d cross interrogatory saith, that he knows nothing.

WHEELOCK S. UPTON.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this 10th day of October, A. D. 1845, before me.

O. P. JACKSON, *Judge*.

And at the same place, and on the next succeeding day, to wit, on the 11th day of October, 1845, Bernard Marigney, a witness of lawful age, being produced, sworn, and examined, on behalf of the complainants, deposeth as follows:

To the first interrogatory saith, that he was acquainted with Don Manuel Gayoso de Lemos in his lifetime; he was married with a Miss Watts, of Natchez; he had one son by this marriage; recollects that his

name was Don Fernando, and Cidal, grand juge, was his godfather. Don Fernando was his legitimate child; his (deponent's) father was under the governor commander of the militia, and deponent was often at his house, and knows that Don Fernando was treated as his legitimate child by his father.

To the second interrogatory saith, he knows nothing but what he has answered to the first, and will be answered to the next. To the 3d interrogatory saith, that she married her husband, Don Manuel Gayoso, and she was afterwards married, in 1805, to Capt. Stelle, of the army. Does not know at what time she died, nor when or where. The parties were not married by a Catholic clergyman, because Capt. Stelle was divorced from his first wife, and it was therefore contrary to the rules of the Catholic church to marry them.

To the 4th interrogatory he saith, that Don Manuel Gayoso was governor of Natchez, and resided in Natchez during the year 1795, and continued so until he took the place of Baron Carondolet, governor of Louisiana. To the 5th interrogatory he saith, he knows nothing.

To the 1st cross interrogatory saith, he knows nothing.

To the 2d cross interrogatory saith, he knows nothing.

BERNARD MARIGNY.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this 11th day of October, A. D. 1845, before me.

O. P. JACKSON, *Judge.*

And at the same place, and on the same day, to wit, on the 11th day of October, A. D. 1845, Chas. Harrod, a witness of lawful age, produced, sworn, and examined, on behalf of the complainants, deposeth as follows, to wit:

To the 1st interrogatory saith, that he is treasurer of Christ's Church, in the city of New Orleans; that in a volume entitled Christ's Church register, containing marriages and births within the parish of Orleans, from the year 1805 down as late as 1835, inclusive, it appears there is the following entry:

Decem. 1st, A. D. 1805.—James Stelle, late of the United States army, married to Mrs. Margaret, widow of the late Spanish governor, on the day and year written in the margin.

A. GAYOSO.

In the original there appears a reference at the word governor to the word Gayoso, written at the bottom of the entry.

Deponent further saith, in the absence of Dr. Hawks, rector of Christ's Church, the book above referred to is in the possession of deponent temporarily. Deponent was acquainted with Capt. Stelle and wife, and was there frequently after marriage. Knows nothing further in regard to the first interrogatory. To the 2d interrogatory saith, that he knows nothing, excepting that which he has stated in answer to the 1st interrogatory; that he knew Mrs. Stelle, widow of Gayoso. To the 3d interrogatory saith, knows nothing in answer to this interrogatory, further than above stated, excepting that he knows of the death of Mrs. Stelle, but does not know at what period.

To the 4th interrogatory saith, he knows nothing.
To the 5th interrogatory saith, he knows nothing.
To the 1st cross interrogatory saith, he knows nothing.
To the 2d cross interrogatory saith, he knows nothing.
In further answer to 1st direct interrogatory he would say, that the entry in the register there referred to appears to be in the handwriting of Philander Chase, then an Episcopal minister in New Orleans

CHAS. HARROD.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this 11th day of October, A. D. 1845, before me.

O. P. JACKSON, *Judge*.

And at the same place, and on the 21st day of October, A. D. 1845, Richard Ruf, of New Orleans, who is of lawful age, being produced, sworn, and examined on behalf of the complainants, deposeth as follows: In answer to the first interrogatory, he saith, that he was acquainted with Governor Gayoso; knows that he was married to Miss Margaret Watts, but does not, of his own knowledge, know when. He had one son living at the time of his death; thinks he was called Fernando; knows nothing further in answer to this interrogatory.

To the second saith, that he knows nothing in answer to this interrogatory, further than he has stated in answer to the first, except that he knew Mrs. Gayoso personally. To the 3d interrogatory saith, that he knows Mrs. Margaret Gayoso married Governor Gayoso; that he was intimately acquainted with Mrs. Gayoso as Mrs. Stelle, and with Capt. Stelle, her second husband; that as to the time of her marriage witness believes it to have taken place in 1805; and on being shown the church register and the entry therein copied into the testimony of the preceding witness, states that he knows the original of said entry to be in the handwriting of the Rev. Philander Chase, then the pastor of Christ's Church, (a Protestant Episcopal church,) in this city, of which church witness was then a vestryman, and is now the senior warden. At that time, (1805,) there was, as witness believes, no laws yet established in the territory requiring civil licences for the celebration of marriage. Mrs. Stelle has since died. Witness does not know when.

To the 4th interrogatory he saith, that to the best of his knowledge and belief Don Manuel Gayoso de Lemos was a resident of the territory of Mississippi on the 27th of October, 1795.

To the 5th interrogatory he saith, that he knows nothing further than he has already deposed. To the 1st cross interrogatory he saith, that he knows nothing. To the 2d cross interrogatory he saith, that he knows nothing.

RICHARD RUF.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this 21st day of October, A. D. 1845, before me.

O. P. JACKSON, *Judge*.

I would certify that the different interlineations were made to conform to the instructions accompanying the commission, the form being

different from that adapted to taking commissions issued from the courts in the State of Louisiana.

O. P. JACKSON, *Judge.*

(*Exhibit A.*)

Extrait du quatrieme registre des actes de décès des blancs de l'eglise Cathedrale, at paroissiale de St. Luis, de cette ville et paroisse de la Nouvelle Orleans, dans l'Etat de la Luisiaine, aux Etats Unis d'Amerique, folio 67.

No. 436.—Diá dies y milieu de Julio, de este año de mil setecientos noventa nueve, yo, fr. Antonio de Lodela, religios capuchino, cura del Sagrano de la santa yglesia cathedrale de la ciudad del Nueva Orleans, de sepultura en la referida santa yglesia al cuerpo del Sn. Dn. Manuel Gayoso de Lemos, brigadier de los rs. exercitos de S. M. C., gobernador politico y militar de esta provincia de la Luisiana, é ynspector de sus tropas, de edad cerca de quarenta y ocho años, natural de Oporto del regno de Portugal, casadocen la S'ra Da. Margareta Watts, sujo leg'ma de Dn. Manuel Luis Gayoso de Lemos, y Samiento y de Da. Theresa Angelica Minn y Magallanes, el qual fallecia, haviendo vecinto las santos sacramentos de *de* penetencias eucaristia y extrema uncion, y echo su testamento y paragues.

Dn. Manuel Gayoso de Lemos.

Coster lo firme, $.

Signé, FR. ANTONIA DE LEDELLA.

Pour copie conforme à l'original conserve dans les archives de la susdite eglise pour recours.

[L. S.] Nouvelle Orleans, 23 Août, 1844.

ANT. DULUC,

Secretaire de la Fab. de l'Eglise, St. Louis.

This is the paper referred to by Ant. Duluc, in his examination, as the paper marked A.

O. P. JACKSON,

Associate judge of the city court of New Orleans.

Extrait du deuxieme registre des actes de marriages des blancs, de l'eglise cathedrale et paroissiale de St. Louis, de cette ville et paroisse de la Nouvelle Orleans, dans etat de la Luisiane, aux Etats Unis d'Amerique, folio 115.

No. 422.—Domingo dia dies de Diciembre de este año mil setecientos nobenta y siete. El e'llme. Sen. Dn. Dn. Louis Penaler y Cardenas digno primer obispo de esta Dioceas de la Luisiana y Floridas, del conselo de S. M. veto e impartio la benedician nupcial a las Sres. Dn. Manuel Gayoso de Lemos, brigadier de los Rs. exercitos de S. M. C. gobernador politico y militar de la expresada provincia, natural del regno de Galacia, y a Da. Margaretta Watts,

Velacion del Sor. Dn. Manuel Gayoso de Lemos, y de la Sn. D. Margarita Watts.

su leg'ma esposa, natural de Baton Rouge districto de este mismo gobierno confesaron y comalgaron y pena que conste lo firme $

(Signé) FR. ANTONIO DE LEDELLA.

Pour copie conforme à l'original conserve dans les archives de la susdite eglise pour recours

[L. S.] Nouvelle Orleans, 23 Août, 1844.

ANT. DULUC,
Secretaire de la Fab. de l'Eglise, St. Louis.

This is the paper referred to by Ant. Duluc, in his examination, as the paper marked B.

O. P. JACKSON,
Associate judge of the city court of New Orleans.

No. 4.

UNITED STATES OF AMERICA,
Southern district of Mississippi, sct:

Be it remembered, that on this 31st day of October, in the year of our Lord one thousand eight hundred and forty-five, before me, O. A. Lacoste, a commissioner duly appointed on the 31st day of May, A. D. 1842, by the circuit court of the United States, in and for the southern district of Mississippi, according to an act of Congress "for the more convenient taking of affidavits and bail in civil cases depending in the circuit courts of the United States, passed February 20th, 1812; and an act in addition thereto, passed March 1st, 1817; and an act to establish the judicial courts of the United States, passed September 24, 1789, personally appeared Christopher Miller, a person of sound mind and lawful age, a witness for the complainants in a civil suit now depending in the circuit court of the United States, in and for the southern district of Mississippi, on the chancery side of said court's docket, wherein the heirs of Fernando Gayoso are complainants, and the heirs of Stephen Minor and others are defendants; and said witness being first duly sworn by the said commissioner, deposed as follows, being interrogated and examined by Jos. Winchester, esq., of counsel for said complainants:

Deponent came to the city of Natchez in the fall of the year 1783, to the best of his recollection, and has resided there ever since. He saw Governor Manuel Gayoso de Lemos land at Natchez at a subsequent day to his, deponent's, arrival at that place. Said Gayoso was Spanish governor, resident at Natches, at the time of the surrender of the territory, and had been for several years previous to that period—how many years, deponent cannot now recollect. Governor Gayoso first resided in the house of Major Stephen Minor, which was called the Government House after Gayoso moved into it. Said house was situated on the bluff in Natchez. Governor Gayoso resided in a house which deponent thinks he built on a tract of land which, as deponent understood, he purchased of one Richard Sweezey, which adjoins the present limits of

the city of Natchez. The last mentioned house is the same which (as deponent believes) is in the possession of William J. Minor now. Governor Gayoso resided at Natchez, or on the Sweezey tract of land just referred to, from the time he landed at Natchez for the first time to the date of the surrender of the territory aforesaid. He never resided any where else, in that space of time, as deponent knows of or believes. As well as deponent's memory serves him, Governor Gayoso had resided at Natchez, or in its vicinity, as aforesaid, for several years, say four or more, before the surrender of the territory aforesaid; but deponent does not remember distinctly the exact length of time of his said residence there. Deponent thinks that when Governor Gayoso first landed at Natchez he was not a married man. It was said, and deponent understood, that during his said residence at or near Natchez, Governor Gayoso married a Miss Watts. Deponent never heard, during Governor Gayoso's residence at or near Natchez, or before his death, that there was a child born of his said marriage with Miss Watts; nor did he hear it at any time until he was first informed that young Gayoso was claiming the property from the Minor family. Deponent did not know the condition of the family of Governor Gayoso sufficiently well to know whether the Governor had a child from the said marriage or not.

Deponent understands the Gayoso property in dispute in this suit to be the Sweezey tract of land aforesaid, with the improvements put upon it by Governor Gayoso. The exact dimensions of said tract deponent does not know. Deponent thinks the value of the rents of the said Gayoso property, from the time Major Stephen Minor took possession of it to the present day, to be one thousand dollars or more.

Witness cross examined by Messrs. John A. Quitman and H. S. Eustis, of counsel for defendants, deposes as follows, viz:

Deponent understood Governor Gayoso obtained said Swazey tract of land from Richard Swazey, and that Governor Gayoso proposed to grant to said Richard Swazey one thousand acres of vacant land in the country for said Swazey tract; which proposition, deponent understood said Swazey did not like, but thought it was best for him to accept, because the power of the Spanish governor at that time was thought to be irresistible.

Governor Gayoso never resided in this territory in any other capacity than as a Spanish governor, under an appointment of the king of Spain, within deponent's knowledge.

CHRISTOPHER MILLER.

UNITED STATES OF AMERICA,
Southern district of Mississippi, city of Natchez, sct:

Charles A. Lacoste, a commissioner duly appointed on the 31st day of May, A. D. 1842, by the circuit court of the United States for the southern district of Mississippi, according to an act of Congress "for the more convenient taking of affidavits and bail in civil cases depending in the circuit courts of the United States," passed February 20th, 1812,

and an act in addition thereto, passed March 1st, 1817, and an act to establish the judicial courts of the United States, passed September 24th, 1789, do hereby certify, that the reason for taking the foregoing deposition is, and the fact is, that the witness lives in Natchez, State of Mississippi, more than one hundred miles from Jackson, State of Mississippi, the place of trial of the cause, and in which said deposition is taken and is necessary.

I further certify, that the defendants by attorneys appeared and cross examined the witness. I further certify, that on this 31st day of October, A. D. 1845, I was attended by the witness, who is of sound mind and lawful age, and the witness was by me carefully examined and cautioned and sworn to testify the whole truth, and the deposition was by me reduced to writing in the presence of witness; and after carefully reading the same to the witness, he subscribed the same in my presence. I have retained the said deposition in my possession for the purpose of sealing up, directing, and forwarding the same with my own hand to the court for which the same was taken.

I further certify, that I am not of counsel or attorney to either of the parties in said deposition and caption named, or in any way interested in the event of the said civil cause named in the caption.

In testimony whereof I have hereunto set my hand and seal.

CHARLES A. LACOSTE,
United States commissioner, circuit court, U. S., for the southern district of Mississippi.

(No. 5.)

UNITED STATES OF AMERICA,
Southern district of Mississippi, city of Natchez.

Be it remembered, that on this first day of November, in the year of our Lord one thousand eight hundred and forty-five, before me, C. A. Lacoste, a commissioner duly appointed on the 31st day of May, A. D. 1842, by the circuit court of the United States, in and for the southern district of Mississippi, according to an act of Congress for the more convenient taking of affidavits and bail in civil cases depending in the circuit courts of the United States, passed February 20th, 1812, and an act in addition thereto, passed March 1st, 1817, and an act to establish the judicial courts of the United States, passed September 24th, 1789, personally appeared Ralph North, a person of sound mind and lawful age, a witness for complainants in a civil suit now depending in the circuit court of the United States, in and for the southern district of Mississippi, on the chancery side of said court's docket, wherein the heirs of Fernando Gayoso are complainants, and the heirs of Stephen Minor and others are defendants; and said witness being by me, the said commissioner, first duly sworn, deposed as follows, in the presence of Messrs. Josiah Winchester, of counsel for complainants, and H. S. Eustis, of counsel for defendants in said suit; this deposition being taken by consent of parties without notice, viz: deponent is clerk of the said

probate court of the county of Adams, State of Mississippi, and has held that office for the last ten years, and as such has been, and is, the keeper of the Spanish records, which, by law, has been deposited in the office of the clerk of the probate court of Adams county aforesaid; deponent has frequently had occasion to refer to those records, and from the examination of original documents filed in said office as genuine, and written and signed by Manuel Gayoso de Lemos, and from a comparison of the annexed exhibit marked (A) with said original documents, deponent believes said exhibit (A) to have been written and signed by said Manuel Gayoso de Lemos.

RA. NORTH.

(*Exhibit A.*)

Don Manuel Gayoso de Lemos, brigadier de los Rs. exercitos, gobernador militar y politico de la plaza y districto de Natchez, &c. Hoy viernas 14 de Julio, de 1797, a la una hora siete minutos de la *mas diegradi*. Dans mi mason, Da. Margarita Watts Gayoso, un niño robustos y sano el que determino *punem* el nombre de Fernando.

MANUEL GAYOSO DE LEMOS.

UNITED STATES OF AMERICA,
Southern district of Mississippi, city of Natchez, sct:

I, Charles A. Lacoste, a commissioner duly appointed on the 31st day of May, A. D. 1482, by the circuit court of the United States, for the southern district of Mississippi, according to an act of Congress for the more convenient taking of affidavits and bail in civil cases depending in the circuit courts of the United States, passed February 20th, 1812, and an act in addition thereto, passed March 1st, 1817, and an act to establish the judicial courts of the United States, passed September 24th, 1789, do hereby certify, that the reason for taking the foregoing deposition is, and the fact is, that the witness lives in Natchez, State of Mississippi, more than one hundred miles from Jackson, Mississippi, the place of trial of the cause, and in which said deposition is taken and is necessary.

I further certify, that no notification was made out and served on the defendants or adverse party, their agents or attorneys, to be present at the taking of the deposition, and to put interrogatories if he or they may think fit; said deposition having been taken by consent of parties without such notice. I further certify, that on this first day of November, A. D. 1845, I was attended by the witness, who is of sound mind and lawful age, and the witness was by me carefully examined and cautioned and sworn to testify the whole truth, and the deposition was by me reduced to writing in the presence of the witness; and after carefully reading the same to the witness he subscribed the same in my presence; I have retained the said deposition in my possession for the purpose of sealing up, directing, and forwarding the same with my own hand to the court for which the same was taken.

I further certify, that I am not of counsel or attorney to either of the parties in said deposition and caption named, or in any way interested in the event of the said civil cause named in the caption.

In witness whereof I have hereunto set my hand and *and* seal.

CHAS. A. LACOSTE, [L. S.]

U. S. commissioner, circuit court U. S.
for the southern district of Mississippi.

No. 6.

Be it remembered, that on this fifth day of November, in the year of our Lord one thousand eight hundred and forty-seven, before me, Theodore H. McCaleb, judge of the United States district court for the State of Louisiana, personally appeared Ann Maria Rene, née Donazaine, veuve Reviere, a person of sound mind and lawful age, a witness for the plaintiffs, in a civil suit now pending in the circuit court of the United States, for the southern district of Mississippi, wherein the heirs of Don Manuel Gayoso de Lemos are complainants, and the heirs of Stephen Minor and others are defendants; and the said Ann Maria Rene, née Donezain, veuve Reviere, being by me first carefully examined, and cautioned, and sworn to testify the whole truth, and nothing but the truth, did depose and say: That witness knew Don Manuel Gayoso de Lemos and Stephen Minor, the ancestors of the parties to this suit. The said Gayoso and Minor were intimate friends for many years, as intimate as brothers; witness knew Governor Gayoso from the year 1797, when he came to New Orleans to act as governor until 1799, that is, until the month of July in that year, when he died; that his son Fernando was an infant at the breast when he came here in 1797; that in the interval between the arrival of said Governor Gayoso here in 1797, and the period of his death in 1799, she, the witness, has repeatedly seen the said Stephen Minor dining at his house; that after the death of Gayoso witness lost sight of the said Minor, as it was through the intimacy of the latter with the former family that witness knew him.

ZR. RENE, née DONAZAN.

DISTRICT OF LOUISIANA,
City of New Orleans.

I, Theodore H. McCaleb, judge of the United States district court, for the district of Louisiana, do hereby certify, that the reason for taking the foregoing deposition is, that the witness lives in the city of New Orleans, more than one hundred miles from the town of Jackson, in the State of Mississippi, the place of trial of the cause in which said deposition was taken and is necessary; I further certify, that no notice of the time and place of taking said deposition was made out or served on said defendants, or their attorney or attorneys, because neither of said defendants, nor any attorney or agent of any of them, was at the time of taking said deposition within one hundred miles of the said city of New Orleans, the place of taking said deposition, to the knowledge of the undersigned. I further certify, that on this fifth day of November, A. D. 1847, I was attended by the witness, who was of sound mind and lawful age; and the said witness having been by me carefully ex-

amined, and cautioned, and sworn to testify the whole truth, and the deposition having been carefully read over to her, she subscribed the same in my presence. I have retained the said deposition in my possession for the purpose of sealing it up, directing the same with my own hand, and forwarding it to the court for which it was taken. I further certify, that I am not of counsel or attorney for either of the parties to the suit in said deposition and caption named, nor in any way interested in the event of said suit.

In testimony whereof I have hereunto set my hand and the seal of the said United States district court in and for the district of [L. S.] Louisiana, at New Orleans, this fifth day of November, in the year of our Lord one thousand eight hundred and forty-seven.

THEO. H. McCALEB,
U. S. district judge, Louisiana.

(No. 7.)

Interrogatories to be propounded to N. Brogard, of Baton Rouge, Louisiana, whose deposition, when taken, will be read on the trial of the above stated cause in behalf of the complainants.

Interrogatory 1st. Were you or not acquainted with Fernando Gayoso in his lifetime? Do you or not know whether the said Fernando Gayoso was ever married, and when and to whom?

Interrogatory 2d. Do you or not know whether there are kept at Baton Rouge any records or registers of births and marriage? If yea, in whose custody or power are or is such records or registers; whether or no have you carefully examined such registers or records for the purpose of finding the register of *of* the marriage of Fernando Gayoso with Lodoiska Perez? If yea, have you found any record of such marriage? If so, please to annex a copy to your deposition.

Interrogatory 3d. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matter in question in this cause? If yea, set forth the same fully and at large in your answer.

GEO. WINCHESTER,
Sol. for complainants.

We agree that a commission shall issue to take the testimony of the above witnesses in the same manner as if the cause were at hearing as to all the parties.

QUITMAN & McMURRAN,
Solicitors for defendants.

UNITED STATES OF AMERICA,
Southern district of Mississippi, to wit:

The President of the United States, to the Hon. Charles Tessier, judge of the parish of East Baton Rouge, State of Louisiana, or any justice of the peace in and for said parish, greeting:

Know ye, that trusting to your fidelity and prudent circumspection

in diligently examining J. N. Brogard, keeper of the records of births and marriages in the Catholic church at Baton Rouge, a witness in a certain cause now depending in the circuit court of the United States for the district aforesaid, wherein the heirs of Don Manuel Gayoso de Lemos are complainants, and the heirs of Stephen Minor et al. are defendants, you are requested, at such certain days and places as you shall appoint, to call and cause the said witness to come before you, and him diligently examine on oath, and his examination into the circuit court aforesaid you distinctly and plainly set, together with this writ enclosed, with all convenient speed.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, at Jackson, the first Monday in *January* May, in the year of our Lord one thousand eight hundred [L. S.] and forty-five, and in the 69th year of the independence of the United States of America.

Issued the fifth day of September, 1845.

W. H. BURN, *Clerk*,
Per C. H. ROGERS, *D. C.*

The execution of this commission appears in a certain schedule hereunto annexed.

JAMES COOPER, *Com'r.*

STATE OF LOUISIANA,
Parish of East Baton Rouge.

Depositions of witnesses produced, sworn, and examined, on the 20th day of November, A. D. 1845, at the office of James Cooper, justice of the peace in the town of Baton Rouge, State of Louisiana, by virtue of a commission issuing from the circuit court of the United States, in and for the southern district of Mississippi, to Hon. Charles Tessier, judge of the parish of East Baton Rouge, State of Louisiana, or any justice of the peace in and for said parish, directed, for the examination of witnesses in a certain cause depending in said court, wherein the heirs of Manuel Gayoso de Lemos are complainants, and Stephen Minor's heirs et al. are defendants.

Rev'd J. N. Brogard, of the town of Baton Rouge, who is of lawful age, being produced, sworn, and examined on behalf of the complainants, deposeth as follows, to wit:

To the first interrogatory he saith: That he was not acquainted with Fernando Gayoso in his lifetime, and that he has no knowledge of the said Fernando Gayoso's having ever been married, except what information he has derived from examining the records of births and marriages in the Catholic church at Baton Rouge.

To the second interrogatory he saith: That he knows that there are kept at Baton Rouge, in the Catholic church, records of births and marriages, and that they are kept at present in his custody as rector of said church; that he has carefully examined the said records for the purpose of finding the register of the marriage of Fernando Gayoso

with Lodoiska Perez, and that he has found the record of said marriage, a true copy of which record is contained in the paper marked (A) hereunto annexed.

To the third interrogatory he saith: That he knows nothing further that would be of benefit or advantage to either of the parties at issue in this cause; and further the witness saith not.

J. N. BROGARD,
Rect. St. Jos.

Examination taken, reduced to writing, and by the witness subscribed and sworn to this 20th day of November, A. D. 1845, before me,

JAMES COOPER, *J. P.*,
Commissioner.

(*Exhibit A.*)

The following was translated with great accuracy by me, the undersigned rector of the Catholic church of St. Joseph's, in the town of Baton Rouge, State of Louisiana, from the original deed kept on record in said church:

"In the year eighteen hundred and twenty-five, on the eighteenth day of the month of June, have appeared before us, to be married by us, Fernando Gayoso de Lemos, then of age and legitimate son of the late Manuel Gayoso de Lemos, governor of Louisiana, for his Catholic majesty, the King of Spain, and of Margurite Watts, of the one part, and Lodoiska Perez, the under age and legitimate daughter of the late Manuel Perez and of the late Felicite Beauregard, of the other part.

The parties to the marriage, after exhibiting the license of the judge of the parish of both of them as the State laws require, have obtained the dispensation of the ordinary publication; and ourselves, not knowing of any impediment, either civil or canonical, and acting with the permission and in the presence of the Rev. Mr. Desmoulins, curate of said parish, we have received their mutual consent, and imparted to them the nuptial blessing in presence of our mother the holy church, and the undersigned witnesses.

FERNANDO GAYOSO,
LODOISKA PEREZ,
H. BRUSSAC, *Priest.*

JAMES STELLE,
JS. T. BREAURGARD,
M. T. BREAURGARD.

Baton Rouge, Nov. 20th, 1845.

J. N. BROGARD,
Rector of St Joseph's.

This is the paper referred to by Rev. J. N. Brogard in his examination as the paper marked (A.)

JAMES COOPER,
Commissioner.

(*No.* 8.)

UNITED STATES OF AMERICA,
District of Louisiana, parish of St. Landry.

Be it remembered, that on the sixteenth day of the month of April, in the year of our Lord one thousand eight hundred and forty-seven, before me, John H. Overton, judge of the district court of the State of Louisiana, for the fifteenth district, composed of the parishes of Lafayette, St. Landry, and Calcasieu, being a superior court of the said State, personally appeared Mrs. Eliza Margaret Parrott, a person of sound mind and lawful age, a witness for the plaintiff in a civil suit now depending in the circuit court of the United States, in and for the southern district of Mississippi, wherein the heirs of Don Manuel Gayoso de Lemos are plaintiffs, and William J. Minor and others are defendants; and the said Eliza Margaret Parrott, being by me first carefully examined, and cautioned, and sworn to testify the whole truth and nothing but the truth, did compose and say, that these letters annexed to these depositions, subscribed by Manuel Gayoso de Lemos, the first dated New Orleans, twenty-first February, 1796, directed to William Wikoff, esq., marked (A;) the second dated Natchez, 6th March, 1797, and addressed as aforesaid, marked (B;) and the third dated New Orleans, 10th August, 1797, likewise addressed as aforesaid to William Wickoff, esqr., and marked (C,) were found by this deponent, with other papers and correspondence of her father, in a trunk belonging to the deponent's mother, the late Mrs. Susan Wickoff; deponent is a daughter of William Wickoff, to whom the said letters were addressed; they were found long since the death of her father and mother by this deponent.

Manuel Gayoso de Lemos married the aunt of deponent, Margaret S. Watts, who was the grandmother, by that marriage, of the plaintiffs in this suit; deponent is too young to have known Governor Gayoso, whose signature is affixed to the annexed letters, and therefore cannot say positively whether they are in his own proper handwriting or not; but she believes them to be genuine from having heard her mother, in her lifetime, speak frequently of her father's intimacy and correspondence with Gayoso; having no personal knowledge of Gayoso, as she has stated before, she can only say, that she always understood from her mother, and other reliable sources, that Gayoso spoke the English language perfectly well, and she concludes wrote it also.

Deponent has no other knowledge of any other facts material or important to plaintiffs or defendants.

ELIZA M. PARROTT.

Sworn to and subscribed before me, the undersigned authority, the day and year above written.

J. H. OVERTON,
Judge 15th judicial district.

UNITED STATES OF AMERICA,
District of Louisiana, parish of St. Landry.

I, John H. Overton, judge of the district court of the State of Lou-

isiana, for the fifteenth district, composed of the parishes of Lafayette, St. Landry, and Calcasieu, being a superior court of said State, do hereby certify, that the reason for taking the foregoing deposition is, and the fact is, that the witness, Mrs. Eliza Margaret Parrott, lives in the parish of St. Landry, in the State of Louisiana, more than one hundred miles from the town of Jackson, in the State of Mississippi, the place of trial of the cause for and in which said deposition is taken and is necessary.

I further certify, that no notification was made out or served on the defendants, or adverse parties, agent or attorney, to be present at the taking of the deposition, and to put interrogatories, if he or they may think fit; and that no notification of the time and place of taking the said deposition was made out and served on said defendant or adverse parties, because neither the said adverse parties, nor any attorney or agent of said adverse parties, was at the time of taking said deposition within one hundred miles of the said parish of St. Landry, the place of taking the said deposition.

I further certify, that on the sixteenth day of the month of April, A. D. 1847, I was attended by the witness, Mrs. Eliza Margaret Parrott, who is of sound mind and lawful age, and the witness was by me carefully examined, and cautioned, and sworn to testify the whole truth, and the deposition was by me reduced to writing in the presence of the witness, and after carefully reading the same to the witness, she subscribed the same in my presence. I have retained the said deposition in my possession for the purpose of sealing up, directing, and forwarding the same with my own hand to the court for which the same was taken. I further certify, that I am not of counsel or attorney to either of the parties in said deposition and caption named, or in any way interested in the event of said civil cause named in the caption.

In testimony whereof I have hereunto set my hand and seal the day and year above written.

J. H. OVERTON, [SEAL.]

Judge of the district court for the fifteenth district of Louisiana.

(*Exhibit A.*)

NEW ORLEANS, 21*st February*, 1796.

MY DEAR FRIEND: I suppose that by this you and my dear sister are acquainted with my return from my long campaign, by a letter that our mama wrote, as I arrived at the Natchez. Now, this is to inform you, that by the last packet I received my promotion of brigadier general for my former services, and I still hope that the ensuing packet will bring me some other good news in recompence of the successful campaign that I have finished. The last was a general promotion in which the governor general of this province was made major general, and several others promoted.

A neighbor of yours is just going away, so this is just to repeat to you my affection, to give my love to my dear sister, and to embrace

1847

your sweet children. Tell Manuel that he must come to see his godfather. Indeed, my friend, we must continue to make ourselves happy with an interview of our families; our dear mama will look upon such an event as the greatest blessing she could experience; therefore, you must begin to think how to bring it about.

As I am assured that you have been puzzled by the news mama wrote of our connexion being brought to an issue, I must explain it; that very day our contract was signed before many witnesses, and likewise an elegant country house, with one hundred acres bordering the town that I settle on my dear Peggy, besides a very considerable allowance of my estate; however for the public, I must wait for the King's permission, which is important to Peggy to secure her the military pension; but this will be had by the latter end of this year, and perhaps by that time some considerable alteration in my public station, which I hope may enable me to serve you.

I repeat my affectionate love to my dear sister and children, and I remain, sincerely, your truest friend and humble servant,

MANUEL GAYOSO DE LEMOS.

(*Exhibit B.*)

MY DEAR FRIEND:

The American commissioner, Mr. Elicott, arrived here, and in a few days I shall set off with him to have the first conference with the Baron near Clark's. Perhaps we may fix the first point immediately, but it will be some time yet before we proceed any further; therefore, I shall return to this place. In this situation I am overpowered with business.

I wait with impatience for the necessary permission to publish my marriage, which, however, is as binding now; but the public sanction is necessary; I am in hopes that it will arrive by the first packet. General Former is lately arrived here with his daughter, married to Dr. Longstreet, whom, I suppose you know, though he is very young—(I mean Mr. Longstreet.) He thinks of paying you a visit; it seems that he is related to you.

My kind, affectionate regard to my sister and children; and I remain, sincerely, your most humble, obedient servant and friend,

MANUEL GAYOSO DE LEMOS.

Natchez, 6th March, 1797.

(*Exhibit C.*)

NEW ORLEANS, 18*th August*, 1797.

MY DEAR FRIEND:

Though as busy as you may suppose at my arrival here, I do not wish to let this opportunity pass without renewing to you and to my dear sister the sincere assurances of my affection and attachment for you. I left our friends well at Concord, with the addition of a fine boy that four days hence will be one month old. At the beginning of

October I shall send my galiot for your sister, whom I did not bring down on account of the excessive heat, and because she would find the house not conveniently furnished at our first arrival. The retard of the packet from Europe was the cause of the delay of the King's permission, as likewise of my promotion to the command of the province, signed by the King the 20th of October last; however, they both arrived at the same time, and restored tranquillity to our friends.

When we are fixed at home, I shall insist on a visit from my dear sister, &c., &c., one of these days. I shall prepare a summons, which I shall send up to Concord, to be signed by Lady Governante, as belonging to her department, to obtain the desirable end. The new Governor of Texas is a friend of mine. I have already wrote to him an account of your negroes, but it would be necessary to have names and description, which, if you send to me, I'll have circulated in all the outposts, &c.

If I can be of any service to you, I need not add here complimentary expressions, I shall do it cheerfully. My love to my dear sister and all the little cohort, I hope she has been happily delivered, and that you all enjoy good health.

I am, sincerely, your most humble servant and friend,

MANUEL GAYOSO DE LEMOS.

Translations.

Extract from the 4th book of records of deaths of white persons, in the cathedral and paroquial church of St. Louis, in the city and parish of New Orleans, in the State of Louisiana, in the United States of America, folio 167.

Don Manuel Gayoso de Lemos.

No. 436.—On the 19th day of July of the year 1799, I, Antonio de Sedella, religious capuchin, curate of the sanctuary of the Holy Cathedral church of the city of New Orleans, have performed the burial rites in the aforesaid holy church, on the body of Mr. Manuel Gayoso de Lemos, brigadier of the royal armies of his Catholic Majesty, civil and military governor of this Province of Louisiana, and inspector of its troops, aged about 48 years, a native of Oporto, in the kingdom of Portugal, married to Margaret Watts, and legitimate son of Don Manuel Luis Gayoso de Lemos y Sarmiento, and of Mrs. Theresa Angelica Morin y Magallens, who died having received the holy sacrament of penitence eucharisty and extreme unction, and having made his will, and to certify the same I sign.

TR. ANTONIO DE SEDELLA.

The above is a true copy from the original kept in the archives of the aforesaid church for reference. New Orleans, 23d August, 1844.

ANT. DULUC,

Secretary of the Vestry of St. Louis Church.

Extract from the second book of records of marriage acts of white persons in the cathedral and paroquial church of St. Louis, in the city

and parish of New Orleans, in the State of Louisiana, United States of America, folio 115.

No. 422.—On Sunday, 10th of December of the year 1797, the most Christian Don Luis Tenalver y Cardenas, most worthy prime bishop of this diocese of Louisiana and Floridas, of the council of his majesty, married and imparted the nuptial benediction to Don Manual Gayoso de Lemos, brigadier of the royal armies of his Catholic Majesty, civil and military governor of the aforesaid province, a native of the kingdom of Gallacia, and Margaret Watts, his legitimate wife, native of Baton Rouge, district of this same government. They performed confession and communion, and to certify the above, I sign.

Marriage of Don Manuel Gayso de Lemos and Miss Margaret Watts.

FR. ANTONIO DE SEDELLA.

The above is a true copy from the original, kept in the archives of the above church for reference. New Orleans, 23d August, 1844.

ANT. DULUC,
Secretary of the Vestry of the St. Louis Church.

Regist'o Natchez, dia doce de Febrero, &c., mil setecientos noventa y cinco, concesion se halla traspasada a Sa. Da. Marguereta Watts, por escritura otorgada esta dia de la fecha.

MANUEL GAYOSO DE LEMOS.

Translation.

Recorded. Natchez, 12th day of February, 1795. This grant is transferred to Mrs. Margaretta Watts by a written instrument made on this day.

MANUEL GAYOSO DE LEMOS.

Certified statement of death of Fernando Gayoso de Lemos.

On the fourteenth of January, 1837, I, the undersigned, curate of St. Francis church of Natchitoches, have administered the ecclesiastical burial to the body of Jean Fernando Gayoso de Lemos, legitimate husband of Julienne Raff, demised on the day previous, aged about 45 years.

E. D. HARIE, *Curate.*

I, the undersigned, being at present curate of the St. Francis church of Natchitoches, do certify, that the foregoing extract is a true copy of the original kept in the archives of the aforesaid parish, No. 8, page 55.

T. GIUSTINIANI.

Manuel Gayoso de Lemos, brigadier of the Royal armies, military and civil governor of the town and district of Natchez, &c., on this Friday, 14th July, 1797, at seven minutes to one o'clock in the morning, my wife, Margaret Watts Gayoso, was delivered of a robust and healthy child, to whom I determined to give the name of Fernando.

MANUEL GAYOSO DE LEMOS.

The translation on the within four folios made by

EUG. ROUSSEAU.

JACKSON, *May 11th*, 1847.

No. 139.

SENOR GOBERNADOR GENERAL:

El Coronel Dn. Manuel Gayoso de Lemos, gobernador de la plaza y districto de Natchez, haze presente A. V. S. que possei a media legua de esta plaza una suerte de terra que ha comprado para formar en ella una casa de campo y hara los riveres necesarios para su familia, pero necesitando inequalmente un pasto para sus cavallos y demas granados, suplica A. V. S. se sine mandar que el deputado agrimensor de esta districto aumente los limites de la referida suerte de terra hasta que contengan mil arpanes. Gracia que espera de la bondad de V. S.

NATCHEZ, 1 *de Julio de* 1794.

(Signed) MANUEL GAYOSO DE LEMOS.

NUEVA ORLEANS, 8 *de Julio, de* 1794.

Concedido, debendo el agrimensor expresar los limites en las diligencias de apeo que me remitisan para prover al seño rinteresado del correspondiente titulo en forma.

(Signed) EL BARON DE CARONDELET.

I certify the foregoing order of survey and petition to be true and exact copies from the originals filed in book No. 1, (A) page 4, No. 139, and decreed same page No. 632, which book makes part of the records in the surveyor general's office under my charge.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 20th day of March, 1839th year [of our Lord, and the 63d] of the independence of the U. S. of America.

D. BRINGIER, *Surveyor Gen'l.*

[For plat see original—page 101.]

DN. CARLOS TRUDEAU, AGRIM., &C.:

Certifico el presente plano conforme a su original entregado a el interesado pare que pagase despachar el titulo de concesion en forma. Setiembre tres de mil setecientos noventa y quatro años.

(Signed) CARLOS TROUDEAU, *Ag. B. L.*

I certify the foregoing plat of survey and process verbal to be a true and exact copy of the original filed amongst the records of the surveyor general under my charge, in book A, No. 1, page and number 138; survey No. 132, same page.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 20th day of March,
[L. S.] 1839th year of our Lord, and the 63d of the independence of the United States of America.

D. BRINGIER, *Surveyor General.*

No. 139.

To the GOVERNOR GENERAL:

Col. Manuel Gayoso de Lemos, governor of the town and district of Natchez, to your honor sayeth, that he owns at half a league from this town a tract of land which he has bought to build thereupon a house, and to raise the commodities that will do to his family; but being also in want of pasture for his horses and other quadrupeds, or animals, petitioner therefore begs of your honor to give order to the deputy surveyor of this district to extend the boundaries of the said land to increase it to contain one thousand arpents; and petitioner will ever pray. Natchez, July 1st, 1794—say 1794.

(Signed) MANUEL GAYOSO DE LEMOS.

NEW ORLEANS, *8th July*, 1794.

Granted—The surveyor having to designate the limits in the notes of survey, which shall be exhibited to me, so that a title in a due form may be extended to the party.

(Signed) EL BARON DE CARONDELET.

No. 632, D, 3d Sept., 1794.

I do hereby certify the foregoing order of survey and petition to be true and exact copies of the originals, filed in book No. 1, A, page and No. 139, and decreed same page, No. 632, which book makes part of the records in the surveyor general's office under my charge.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 20th day of March, [L. S.] 1839th year of our Lord, and the 63d of the independence of the U. S. of America.

(Signed) BRINGIER, *Surveyor General.*

[For plat see original, page 103.]

I, Charles Trudeau, surveyor, do hereby certify the above plat to be conformable to its original, delivered to the party that he may get the title or grant issued in due form.

(Signed) CARLOS TRUDEAU,
Surveyor of his Majesty.

Sept. 3d, 1794.

I certify the foregoing plat of survey and process verbal to be a true and exact copy of the original filed amongst the records of the surveyor general's office under my charge, in book A, No. 1, page and number 132, same page.

In testimony whereof I have hereunto set my hand and seal of office, in the city of New Orleans, this 20th day of March, 1839th year of our Lord, and the 63d of the independence of the United States of America.

(Signed) BRINGIER, *Surveyor General.*

Copy of agreements.

It is agreed that defendants have been in possession since the issuance of the certificate of confirmation, and that the signatures to the deeds exhibited, with their answers, are genuine; and that the translations submitted are correct, and all depositions filed may be read.

H. S. EUSTIS,
For defendants.
G. WINCHESTER,
For complainants.

Nov. 15th, 1847.

And afterwards, to wit, on the 1st day of November, A. D. 1847, this cause was set for hearing by the complainants by the solicitor on the bill, answers, exhibit and proof.

And afterwards, to wit, at the November term of the court first aforesaid, to wit, on the 15th day of November, A. D. 1847, until which time this cause was legally continued, came the complainants, by their solicitor aforesaid, and thereupon this cause was discontinued as to the heirs of Job Routh; and it appearing to the satisfaction of the court, by the suggestion of the complainants, by their solicitor aforesaid, that since the institution of this suit the defendants, Austin Williams, Archibald Williams, and Elias Ogden, have departed this life, it is ordered by the court that this suit be abated as to them.

And thereupon this cause being fully argued by counsel, it was submitted to the court for its decision thereon.

And afterwards, to wit, at the November term of the court first aforesaid, to wit, on the seventeenth day of November, in the year of our Lord one thousand eight hundred and forty-seven, this cause came on to be heard at this term, and was argued by counsel; and upon consideration thereof, it was ordered, adjudged, and decreed that the said bill of complaint be dismissed at the costs of the complainants, to be taxed.

(Signed) S. J. GHOLSON.

From which decision the complainants pray an appeal to the Supreme Court of the United States, which is granted, upon their filing bond within ninety days, in the sum of three hundred dollars, conditioned according to law, &c.

(*Copy of Appeal bond.*)

UNITED STATES OF AMERICA,
Southern district of Mississippi, sct:

Know all men by these presents, that we, Merritt M. Robinson and Marguerite, his wife, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso, and Edward Englehard, and Richard R. Randolph, are held and firmly bound unto William J. Minor, James C. Wilkins and Henry Chotard, executors of the last will and testament of Katharine Minor,

deceased, and to Frances Chotard, Katharine L. Wilkins, and said William J. Minor, in the just and full sum of three hundred dollars, lawful money of the United States, to be paid to the said William J. Minor, James C. Wilkins, and Henry Chotard, executors as aforesaid, and to Frances Chotard, Katharine L. Wilkins, and William J. Minor, their lawful attorney, executors, administrators, or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 17th day of January, one thousand eight hundred and forty-eight.

The condition of this obligation is such, that whereas at a term of the circuit court of the United States, in and for the southern district of Mississippi, commenced and held at the city of Jackson, on the first Monday of November, A. D. 1847, a final decree was rendered by said court, sitting in chancery, in favor of the said William J. Minor, James C. Wilkins, and Henry Chotard, executors as aforesaid, and Frances Chotard, Katharine L. Wilkins, and William J. Minor, against the said Merritt M. Robinson and Marguerite, his wife, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso. And whereas the said Merritt M. Robinson and Marguerite, his wife, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso, have prayed for and obtained an appeal therefrom to the Supreme Court of the United States, which is granted, upon their executing this bond according to law, with the above named Edward Englehard and Richard R. Randolph as their securities therein. Now, if the said Merritt M. Robinson and Marguerite, his wife, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso, shall prosecute their said appeal with effect, and shall well and truly pay and satisfy the amount of all such costs as the Supreme Court of the United States shall adjudge in the premises, if the said Merritt M. Robinson and Marguerite, his wife, Aurore Gayoso, Fernando Gayoso, and Felicite Gayoso, shall fail to make their plea good, then and in that case this obligation to be void, otherwise to remain in full force and virtue.

M. M. ROBINSON, [SEAL.]
MARGARET ROBINSON, [SEAL.]

Aurore Gayoso, Fernando Gayoso, Felicite Gayoso, by their mother and tutrix,

LODOISKA GAYOSO, [SEAL.]
EDWARD ENGELHARD, [SEAL.]
R. R. RANDOLPH. [SEAL.]

Witness to signature of E. Engelhard—
W. H. BROWN.

Witness to signatures of M. M. Robinson, M. Robinson, and L. Gayoso, tutrix—
P. A. IRICON.

I approve of the foregoing bond and securities.
Given under my hand this 10th day of February, A. D. 1848.

S. J. GHOLSON,
Judge U. S. D. C. for Mississippi.

UNITED STATES OF AMERICA,
Southern district of Mississippi, circuit court, U. S.

I, William H. Brown, clerk of said court, do hereby certify that the foregoing one hundred and seven pages contain a full, true, and complete transcript of the record of the decree in the cause therein stated, as the same now remains of record in my office.

In testimony whereof I have hereunto set my hand and affixed [L. S.] the seal of said court, at Jackson, the 7th day of June, A. D. 1848.

W. H. BROWN, *Clerk*,
Per CHS. H. ROGERS, *D. C.*

Filed 4th December, 1848.